

REFERENCE TITLE: department of agriculture; veterinary regulation

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2553

Introduced by
Representatives Gallardo: Lopes

AN ACT

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 19, ARTICLES 1, 2, 3, 4, 5, 6, 7 AND 8; TRANSFERRING AND RENUMBERING SECTIONS 32-2201, 32-2203, 32-2205, 32-2206, 32-2207 AND 32-2208, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3501, 3-3502, 3-3503, 3-3504, 3-3505 AND 3-3506, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTIONS 32-2211, 32-2212, 32-2213, 32-2214, 32-2215, 32-2216, 32-2217, 32-2217.01, 32-2218 AND 32-2219, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 2, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3521, 3-3522, 3-3523, 3-3524, 3-3525, 3-3526, 3-3527, 3-3528, 3-3529 AND 3-3530, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTIONS 32-2231, 32-2232, 32-2233, 32-2234, 32-2236, 32-2237, 32-2238, 32-2239, 32-2240 AND 32-2240.01, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 3, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3551, 3-3552, 3-3553, 3-3554, 3-3555, 3-3556, 3-3557, 3-3558, 3-3559 AND 3-3560, RESPECTIVELY; TRANSFERRING SECTION 32-2281, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 3-3581; TRANSFERRING AND RENUMBERING SECTIONS 32-2241, 32-2242, 32-2243, 32-2244, 32-2245, 32-2246, 32-2247, 32-2248, 32-2249 AND 32-2250, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 5, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3601, 3-3602, 3-3603, 3-3604, 3-3605, 3-3606, 3-3607, 3-3608, 3-3609 AND 3-3610, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTIONS 32-2271, 32-2272, 32-2273, 32-2274, 32-2275 AND 32-2276, ARIZONA REVISED

STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 6, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3631, 3-3632, 3-3633, 3-3634, 3-3635 AND 3-3636, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTIONS 32-2291, 32-2292, 32-2293, 32-2294, 32-2295 AND 32-2296, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 7, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 3-3651, 3-3652, 3-3653, 3-3654, 3-3655 AND 3-3656, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTION 32-2261, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 3, CHAPTER 19, ARTICLE 8, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 3-3671; REPEALING SECTIONS 32-2202, 32-2204 AND 41-3008.02, ARIZONA REVISED STATUTES; REPEALING THE CHAPTER HEADING OF TITLE 32, CHAPTER 21, ARIZONA REVISED STATUTES; REPEALING THE ARTICLE HEADINGS OF TITLE 32, CHAPTER 21, ARTICLES 1, 2, 3, 4, 5, 6, 7 AND 8, ARIZONA REVISED STATUTES; AMENDING SECTION 3-102, ARIZONA REVISED STATUTES; AMENDING SECTIONS 3-3501, 3-3502, 3-3503, 3-3504, 3-3505, 3-3506, 3-3522, 3-3523, 3-3524, 3-3525, 3-3526, 3-3527, 3-3528, 3-3529, 3-3551, 3-3552, 3-3553, 3-3554, 3-3555, 3-3556, 3-3557, 3-3558, 3-3559, 3-3560, 3-3581, 3-3601, 3-3602, 3-3603, 3-3604, 3-3605, 3-3607, 3-3609, 3-3610, 3-3631, 3-3632, 3-3633, 3-3634, 3-3635, 3-3636, 3-3651, 3-3652, 3-3653, 3-3654, 3-3655 AND 3-3656, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 13-3406, 32-1603, 32-1904, 32-1921, 32-3101, 32-3201, 32-3521, 36-601.01, 36-2522, 36-2601, 36-2604, 36-2606, 41-1092, 44-1799.01, 44-1799.02, 44-1799.05, 44-1799.06 AND 44-1799.07, ARIZONA REVISED STATUTES; RELATING TO VETERINARIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 3, Arizona Revised Statutes, is amended by adding
3 chapter 19, to read:

4 CHAPTER 19
5 VETERINARIANS
6 ARTICLE 1. ADMINISTRATION
7 ARTICLE 2. LICENSING
8 ARTICLE 3. REGULATION
9 ARTICLE 4. DISPENSING DRUGS AND DEVICES
10 ARTICLE 5. VETERINARY TECHNICIANS
11 ARTICLE 6. VETERINARY MEDICAL PREMISES
12 ARTICLE 7. ANIMAL CREMATORIES
13 ARTICLE 8. EMERGENCY AID

14 Sec. 2. Transfer and renumber

15 A. Sections 32-2201, 32-2203, 32-2205, 32-2206, 32-2207 and 32-2208,
16 Arizona Revised Statutes, are transferred and renumbered for placement in
17 title 3, chapter 19, article 1, Arizona Revised Statutes, as added by this
18 act, as sections 3-3501, 3-3502, 3-3503, 3-3504, 3-3505 and 3-3506,
19 respectively.

20 B. Sections 32-2211, 32-2212, 32-2213, 32-2214, 32-2215, 32-2216,
21 32-2217, 32-2217.01, 32-2218 and 32-2219, Arizona Revised Statutes, are
22 transferred and renumbered for placement in title 3, chapter 19, article 2,
23 Arizona Revised Statutes, as added by this act, as sections 3-3521, 3-3522,
24 3-3523, 3-3524, 3-3525, 3-3526, 3-3527, 3-3528, 3-3529 and 3-3530,
25 respectively.

26 C. Sections 32-2231, 32-2232, 32-2233, 32-2234, 32-2236, 32-2237,
27 32-2238, 32-2239, 32-2240 and 32-2240.01, Arizona Revised Statutes, are
28 transferred and renumbered for placement in title 3, chapter 19, article 3,
29 Arizona Revised Statutes, as added by this act, as sections 3-3551, 3-3552,
30 3-3553, 3-3554, 3-3555, 3-3556, 3-3557, 3-3558, 3-3559 and 3-3560,
31 respectively.

32 D. Section 32-2281, Arizona Revised Statutes, is transferred and
33 renumbered for placement in title 3, chapter 19, article 4, Arizona Revised
34 Statutes, as added by this act, as section 3-3581.

35 E. Sections 32-2241, 32-2242, 32-2243, 32-2244, 32-2245, 32-2246,
36 32-2247, 32-2248, 32-2249 and 32-2250, Arizona Revised Statutes, are
37 transferred and renumbered for placement in title 3, chapter 19, article 5,
38 Arizona Revised Statutes, as added by this act, as sections 3-3601, 3-3602,
39 3-3603, 3-3604, 3-3605, 3-3606, 3-3607, 3-3608, 3-3609 and 3-3610,
40 respectively.

41 F. Sections 32-2271, 32-2272, 32-2273, 32-2274, 32-2275 and 32-2276,
42 Arizona Revised Statutes, are transferred and renumbered for placement in
43 title 3, chapter 19, article 6, Arizona Revised Statutes, as added by this
44 act, as sections 3-3631, 3-3632, 3-3633, 3-3634, 3-3635 and 3-3636,
45 respectively.

1 G. Sections 32-2291, 32-2292, 32-2293, 32-2294, 32-2295 and 32-2296,
2 Arizona Revised Statutes, are transferred and renumbered for placement in
3 title 3, chapter 19, article 7, Arizona Revised Statutes, as added by this
4 act, as sections 3-3651, 3-3652, 3-3653, 3-3654, 3-3655 and 3-3656,
5 respectively.

6 H. Section 32-2261, Arizona Revised Statutes, is transferred and
7 renumbered for placement in title 3, chapter 19, article 8, Arizona Revised
8 Statutes, as added by this act, as section 3-3671.

9 Sec. 3. Repeal

10 A. Sections 32-2202, 32-2204 and 41-3008.02, Arizona Revised Statutes,
11 are repealed.

12 B. The chapter heading of title 32, chapter 21, Arizona Revised
13 Statutes, is repealed.

14 C. The article headings of title 32, chapter 21, articles 1, 2, 3, 4,
15 5, 6, 7 and 8, Arizona Revised Statutes, are repealed.

16 Sec. 4. Section 3-102, Arizona Revised Statutes, is amended to read:
17 3-102. Department organization

18 A. The Arizona department of agriculture is established consisting of
19 the following divisions:

20 1. The animal services division, which is responsible for milk, dairy,
21 livestock, ~~and~~ aquaculture AND VETERINARY regulation, the state veterinarian,
22 meat, poultry and egg inspection and performing the administrative functions
23 authorized or contracted pursuant to law for the Arizona beef council.

24 2. The plant services division, which is responsible for the fruit and
25 vegetable standardization program and entomological services.

26 3. The environmental services division, which is responsible for
27 regulating seed, feed and agricultural chemicals, including pesticides and
28 fertilizers, and for native plant protection.

29 B. The following are established in addition to and separate from the
30 divisions of the department:

31 1. A state agricultural laboratory.

32 2. An office of agriculture safety.

33 3. An office of inspections.

34 4. An office of commodity development and promotion.

35 C. The department shall have a central administrative service office
36 providing:

37 1. Data processing, accounting and budgeting, records management,
38 publications, property control and personnel services and training.

39 2. A program to cross-train appropriate personnel to enable them to
40 perform similar functions or comparable work for different administrative
41 units in the department.

1 Sec. 5. Section 3-3501, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3501. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Animal" means any animal other than human.

6 ~~2. "Board" means the Arizona state veterinary medical examining board.~~

7 2. "ASSOCIATE DIRECTOR" MEANS THE ASSOCIATE DIRECTOR OF THE ANIMAL
8 SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF AGRICULTURE.

9 3. "Consulting" means providing professional or expert advice ~~which~~
10 THAT is requested by a veterinarian licensed in this state and THAT is
11 rendered only on a specific case basis.

12 4. "Controlled substance" means any substance ~~which~~ THAT is registered
13 and controlled under the federal controlled substances act (P.L. 91-513).

14 5. "Cremation" means the heating process that reduces animal remains
15 to bone fragments by combustion and evaporation.

16 6. "Crematory" means a building or portion of a building that is
17 licensed pursuant to article ~~8- 7~~ of this chapter and that houses a retort in
18 which only animal remains are cremated.

19 7. "Diplomate" means a veterinarian certified as a specialist in a
20 particular discipline by a national specialty board or college recognized by
21 the American veterinary medical association after the completion of
22 additional education and training, an internship or residency, passing
23 required examinations and meeting any other criteria required by the various
24 individual national specialty boards or colleges.

25 8. "DIVISION" MEANS THE ANIMAL SERVICES DIVISION OF THE ARIZONA
26 DEPARTMENT OF AGRICULTURE.

27 ~~8-~~ 9. "Gross incompetence" means any professional misconduct or
28 unreasonable lack of professional skill in the performance of professional
29 practice.

30 ~~9-~~ 10. "Gross negligence" means treatment of a patient or practice of
31 veterinary medicine resulting in injury, unnecessary suffering or death that
32 was caused by carelessness, negligence or the disregard of established
33 principles or practices.

34 ~~10-~~ 11. "Letter of concern" means an advisory letter to notify a
35 veterinarian that, while there is insufficient evidence to support
36 disciplinary action, ~~the board believes~~ the veterinarian should modify or
37 eliminate certain practices and that continuation of the activities that led
38 to the information being submitted to the ~~board~~ DEPARTMENT may result in
39 action against the veterinarian's license.

40 ~~11-~~ 12. "Licensed veterinarian" means a person who is currently
41 licensed to practice veterinary medicine in this state.

42 ~~12-~~ 13. "Malpractice" means treatment in a manner contrary to accepted
43 practices and with injurious results.

1 ~~13.~~ 14. "Medical incompetence" means lacking sufficient medical
2 knowledge or skills, or both, to a degree likely to endanger the health of
3 patients or lacking equipment, supplies or medication to properly perform a
4 procedure.

5 ~~14.~~ 15. "Negligence" means the failure of a licensed veterinarian to
6 exercise reasonable care in the practice of veterinary medicine.

7 ~~15.~~ 16. "Regularly" means that veterinary services are offered to the
8 public once a month or more frequently.

9 ~~16.~~ 17. "Responsible veterinarian" means the veterinarian WHO IS
10 responsible to the ~~board~~ DEPARTMENT for compliance by licensed veterinary
11 premises with the laws and rules of this state and of the federal government
12 pertaining to the practice of veterinary medicine and responsible for the
13 establishment of policy at such premises.

14 ~~17.~~ 18. "Temporary sites" means sites where outpatient veterinary
15 services are performed.

16 ~~18.~~ 19. "Twenty-four hour services" means veterinary services when a
17 veterinarian is on the premises twenty-four hours a day.

18 ~~19.~~ 20. "Veterinarian" means a person who has received a doctor's
19 degree in veterinary medicine from a college of veterinary medicine.

20 ~~20.~~ 21. "Veterinary college" means any veterinary college or division
21 of a university or college that offers the degree of doctor of veterinary
22 medicine or its equivalent and that conforms to the standards required for
23 accreditation by the American veterinary medical association.

24 ~~21.~~ 22. "Veterinary medicine" includes veterinary surgery, obstetrics,
25 dentistry, acupuncture, manipulation and all other branches or specialties of
26 veterinary medicine and the prescribing, administering or dispensing of drugs
27 and medications for veterinary purposes.

28 Sec. 6. Section 3-3502, Arizona Revised Statutes, as transferred and
29 renumbered by this act, is amended to read:

30 3-3502. Annual report

31 The ~~chairman of the board~~ ASSOCIATE DIRECTOR shall make ~~an annual~~ A
32 report to the DIRECTOR AND THE governor on or before October 1 of each year.
33 The report shall include a summary of licenses or certificates denied,
34 suspended or revoked and licensees censured and placed on probation and a
35 financial statement for the preceding fiscal year. ~~Any member of the board
36 may submit a separate report to the governor on or before October 1 of each
37 year that includes the member's comments on the board's licensing and
38 disciplinary activities for the preceding fiscal year.~~

39 Sec. 7. Section 3-3503, Arizona Revised Statutes, as transferred and
40 renumbered by this act, is amended to read:

41 3-3503. Veterinary medical fund

42 A. The veterinary medical ~~examining board~~ fund is established.
43 Pursuant to sections 35-146 and 35-147, the ~~board~~ ASSOCIATE DIRECTOR shall
44 deposit ten per cent of all fees and other revenue accruing to the ~~board~~

1 DEPARTMENT in the state general fund and deposit the remaining ninety per
2 cent in the veterinary medical ~~examining board~~ fund.

3 B. All monies deposited in the veterinary medical ~~examining board~~ fund
4 are subject to section 35-143.01.

5 Sec. 8. Section 3-3504, Arizona Revised Statutes, as transferred and
6 renumbered by this act, is amended to read:

7 ~~3-3504.~~ Personnel

8 The ~~board~~ DEPARTMENT may employ personnel as it deems necessary to
9 provide investigative, professional and clerical assistance as required to
10 perform its duties under this article. Personnel are eligible to receive
11 compensation in an amount as determined pursuant to section 38-611. The
12 ~~board~~ DEPARTMENT may contract with other state or federal agencies as
13 required to carry out this article.

14 Sec. 9. Section 3-3505, Arizona Revised Statutes, as transferred and
15 renumbered by this act, is amended to read:

16 ~~3-3505.~~ Powers and duties

17 A. The primary duty of the ~~board~~ DEPARTMENT UNDER THIS CHAPTER is to
18 protect the public from unlawful, incompetent, unqualified, impaired or
19 unprofessional practitioners of veterinary medicine through licensure and
20 regulation of the profession in this state. The DEPARTMENT'S powers and
21 duties ~~of the board~~ include:

22 1. Administering and enforcing this chapter and ~~board~~ rules OF THE
23 DEPARTMENT ADOPTED FOR THE PURPOSES OF THIS CHAPTER.

24 2. Regulating disciplinary actions, the granting, denial, revocation,
25 renewal and suspension of licenses and certificates and the rehabilitation of
26 licensees and certificate holders pursuant to this chapter and ~~board~~ rules
27 ADOPTED FOR THE PURPOSES OF THIS CHAPTER.

28 3. Prescribing the forms, content and manner of application for
29 licensure and certification and renewal of licensure and certification and
30 setting deadlines for the receipt of materials required by the ~~board~~
31 ASSOCIATE DIRECTOR.

32 4. Keeping a record of all licensees and certificate holders, ~~board~~
33 actions taken BY THE ASSOCIATE DIRECTOR concerning all applicants, licensees
34 and certificate holders and the receipt and disbursal of monies.

35 5. Adopting an official seal for attestation of licenses, certificates
36 and other official papers and documents.

37 6. Investigating charges of violations of this chapter and ~~board~~ rules
38 and orders ADOPTED OR ISSUED PURSUANT TO THIS CHAPTER.

39 ~~7. Employing an executive director who serves at the pleasure of the~~
40 ~~board.~~

41 B. THE DIRECTOR SHALL:

42 ~~8.~~ 1. ~~Adopting~~ ADOPT rules pursuant to title 41, chapter 6 that
43 relate to the qualifications and regulation of doctors of veterinary
44 medicine, veterinary technicians, veterinary premises, mobile veterinary
45 clinics and crematories and other rules that ~~the board deems~~ ARE necessary

1 for the administration of this chapter. The rules may include continuing
2 education requirements for licensees and certificate holders and shall
3 include:

4 (a) Minimum standards of veterinary practice.

5 (b) Provisions to ensure that the public has reasonable access to
6 nonconfidential information about the licensing or certification status of
7 persons regulated under this chapter and about resolved complaints against
8 licensees and certificate holders.

9 (c) Provisions to ensure that members of the public have an
10 opportunity to evaluate the services that the ~~board~~ DIVISION provides to the
11 public UNDER THIS CHAPTER.

12 ~~9-~~ 2. ~~Establishing~~ ADOPT by rule fees and penalties as provided in
13 this chapter, including fees for the following:

14 (a) Reproduction of documents.

15 (b) Verification of information about a licensed veterinarian at the
16 request of a veterinary licensing ~~board~~ AUTHORITY in another jurisdiction.

17 (c) Return of checks due to insufficient funds, an order to stop
18 payment or a closed account.

19 (d) Provision of a list of the names of LICENSED OR CERTIFIED
20 veterinarians, veterinary technicians or veterinary premises ~~licensed or~~
21 ~~certified by the board.~~

22 ~~10-~~ 3. ~~Adopting~~ ADOPT rules that require the ~~board~~ ASSOCIATE DIRECTOR
23 to inform members of the public about the existence of the office of the
24 ombudsman-citizens aide established by section 41-1375.

25 Sec. 10. Section 3-3506, Arizona Revised Statutes, as transferred and
26 renumbered by this act, is amended to read:

27 3-3506. Immunity from personal liability

28 ~~Members,~~ THE OFFICERS, agents and employees of the ~~board~~ DEPARTMENT and
29 members of ~~board~~ committees are immune from personal liability with respect
30 to acts done and actions taken in good faith within the scope of their
31 authority UNDER THIS CHAPTER.

32 Sec. 11. Section 3-3522, Arizona Revised Statutes, as transferred and
33 renumbered by this act, is amended to read:

34 3-3522. Issuance of license; previous licenses qualified; use
35 of designations

36 A. If ~~the~~ AN applicant satisfactorily passes the examination given by
37 the ~~board~~ ASSOCIATE DIRECTOR, demonstrates a scientific and practical
38 knowledge of the art and science of veterinary medicine and, ~~in addition,~~
39 complies with ~~the provisions of~~ this chapter, the ~~board~~ ASSOCIATE DIRECTOR
40 shall issue a license to the applicant to practice veterinary medicine in
41 this state.

42 B. The ~~board~~ ASSOCIATE DIRECTOR shall deny licensure to an applicant
43 who has satisfied all licensing requirements but who has not submitted the
44 license issuance fee within twelve months after the date of the examination.
45 An applicant who fails to submit the fee within that time forfeits ~~his~~ ANY

1 qualification for licensure and the applicant shall reapply for licensure
2 pursuant to sections ~~32-2213~~ 3-3523 and ~~32-2214~~ 3-3524.

3 ~~C. All persons presently licensed to practice veterinary medicine in
4 the state of Arizona who have complied with the provisions of law existing
5 prior to June 12, 1967 shall be considered as licensed veterinarians under
6 this chapter and the names of such licensees shall be entered upon the
7 official register kept by the board.~~

8 ~~D.~~ C. No person shall append any letters to such person's name,
9 indicating a degree in veterinary medicine, such as D.V.M. or V.M.D., or use
10 the word doctor, veterinary, veterinarian, professor, animal doctor, animal
11 surgeon, or any abbreviation or combination ~~thereof~~ of similar import in
12 connection with such person's name, or any trade name in the conduct of any
13 occupation or profession pertaining to the diagnosis or treatment of animal
14 diseases or conditions mentioned in this chapter, unless such person is
15 licensed to practice veterinary medicine under ~~the provisions of~~ this
16 chapter.

17 Sec. 12. Section 3-3523, Arizona Revised Statutes, as transferred and
18 renumbered by this act, is amended to read:

19 3-3523. Application for license; retention of examination
20 materials

21 A. A person desiring to practice veterinary medicine or surgery shall
22 make a written application to the ~~board~~ ASSOCIATE DIRECTOR for a license to
23 practice. The application shall be on a form provided by the ~~board~~ DIVISION
24 and shall require the following information:

- 25 1. Name, age and address of the applicant.
- 26 2. Names of schools of veterinary medicine attended, dates of
27 attendance and date of transfer.
- 28 3. Degrees held from schools of veterinary medicine.
- 29 4. Places and length of time in active practice in other states or
30 territories of the United States, if any, and that the applicant is in good
31 standing in such places.
- 32 5. An affidavit that the facts recited in the application are
33 accurate, true, ~~and~~ and complete.
- 34 6. An affidavit that no complaint has been filed and is pending, no
35 investigation is pending and no disciplinary action has been taken or is
36 pending on any veterinary license the applicant holds from another state.
- 37 7. Such other information as may be required by rules adopted ~~by the~~
38 ~~board~~ FOR THE PURPOSES OF THIS CHAPTER.

39 B. All examination papers, tapes, questions and answers shall be
40 maintained in accordance with a retention schedule approved by the Arizona
41 state library, archives and public records.

42 Sec. 13. Section 3-3524, Arizona Revised Statutes, as transferred and
43 renumbered by this act, is amended to read:

44 3-3524. Examination; confidentiality

45 A. All applicants for a license shall be given a state examination.

1 B. Examinations shall be held in January and June of each year unless
2 otherwise provided by the ~~board~~ DIRECTOR.

3 C. The examination shall consist of the following:

4 1. A state examination approved by the ~~board~~ DIRECTOR.

5 2. The North American veterinary licensing examination.

6 D. The state examination shall be so conducted that the ~~members of the~~
7 ~~board~~ ~~do~~ ASSOCIATE DIRECTOR DOES not know the name of the applicant until the
8 judging or grading is officially completed.

9 E. A grade of at least seventy-five per cent shall be required to
10 successfully pass the North American veterinary licensing examination. A
11 grade of at least seventy-five per cent shall be required to successfully
12 pass the state examination. The scores of the North American veterinary
13 licensing examination and the state examination shall not be averaged.
14 National board scores that are received from either the national examination
15 committee or the North American veterinary licensing examination committee
16 from another state may be accepted for part of an applicant's passing score.

17 F. An applicant's score that was received within the preceding five
18 years and that is on record at the national examination service or the North
19 American veterinary licensing examination committee shall be verified through
20 either the national examination service or the North American veterinary
21 licensing examination committee, unless the applicant is applying for
22 endorsement or a specialty license under section ~~32-2215~~ 3-3525, subsection C
23 or D in which case the applicant's score shall be transcribed and received by
24 the ~~board~~ ASSOCIATE DIRECTOR.

25 G. All examination materials, records of examination grading and
26 performance and transcripts of educational institutions concerning applicants
27 or licensees are confidential and not public records.

28 Sec. 14. Section 3-3525, Arizona Revised Statutes, as transferred and
29 renumbered by this act, is amended to read:

30 3-3525. Qualifications for license

31 A. An applicant for a license issued under this chapter shall:

32 1. Be of good moral character.

33 2. Be a graduate of a veterinary college that is accredited by the
34 American veterinary medical association or hold a certificate issued by the
35 educational commission for foreign veterinary graduates, the program for the
36 assessment of veterinary education equivalence or a foreign graduate testing
37 program approved by the ~~board~~ ASSOCIATE DIRECTOR.

38 3. Satisfactorily pass an examination given by the ~~board~~ ASSOCIATE
39 DIRECTOR as provided in this chapter.

40 B. An applicant may be denied licensure either before or after
41 examination if the applicant has committed any act that if committed by a
42 licensee would be grounds for suspension or revocation of a license to
43 practice veterinary medicine under this chapter.

44 C. The ~~board~~ ASSOCIATE DIRECTOR may waive the examination requirements
45 pursuant to section ~~32-2214~~ 3-3524, subsection C, paragraph 2 and, except as

1 provided in subsection E of this section, may issue a license by endorsement
2 to an applicant to practice veterinary medicine if the applicant provides all
3 required documentation pursuant to section ~~32-2213~~ 3-3523 and meets the
4 following requirements:

5 1. The applicant holds an active license in one or more other states
6 and submits verification that the applicant has previously taken and passed
7 the examination required by section ~~32-2214~~ 3-3524, with a score at least
8 equal to the score required to pass in this state. An applicant who received
9 original licensure before the examination required by section ~~32-2214~~ 3-3524
10 was required in the state in which the applicant was originally licensed may
11 be eligible for licensure without having taken that examination as required
12 pursuant to this chapter if all other requirements are met.

13 2. The applicant has been lawfully and actively engaged in the
14 practice of veterinary medicine for at least three of the preceding five
15 years or six of the preceding ten years in one or more states before filing
16 an application for licensure in this state.

17 3. The applicant has graduated from a veterinary college recognized by
18 the ~~board~~ ASSOCIATE DIRECTOR.

19 4. The applicant passes a state examination approved by the ~~board~~
20 ASSOCIATE DIRECTOR. A grade of at least seventy-five per cent is required to
21 successfully pass the examination.

22 5. The applicant pays a fee for the license of seven hundred fifty
23 dollars.

24 D. The ~~board~~ ASSOCIATE DIRECTOR may waive the examination requirements
25 pursuant to section ~~32-2214~~ 3-3524, subsection C, paragraph 2 and, except as
26 provided in subsection E of this section, may issue a specialty license to an
27 applicant to practice veterinary medicine if the applicant provides all
28 required documentation pursuant to section ~~32-2213~~ 3-3523 and meets the
29 following requirements:

30 1. The applicant holds a current certification as a diplomate of a
31 national specialty board or college recognized by the American veterinary
32 medical association.

33 2. The applicant's practice is limited to the scope of the applicant's
34 ~~board~~ certification UNDER THIS CHAPTER.

35 3. The applicant successfully passes a state examination approved by
36 the ~~board~~ ASSOCIATE DIRECTOR with a score of at least seventy-five per cent.

37 4. The applicant pays a fee for the specialty license of seven hundred
38 fifty dollars.

39 E. The ~~board~~ ASSOCIATE DIRECTOR shall determine if previous
40 disciplinary action prevents licensure by endorsement or specialty licensure
41 of an applicant to practice veterinary medicine and the ~~board~~ ASSOCIATE
42 DIRECTOR may discipline the licensee at the time of licensure as a result of
43 the previous disciplinary action.

1 Sec. 15. Section 3-3526, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3526. Issuance of temporary permits

4 A. ~~Applicants~~ THE ASSOCIATE DIRECTOR MAY ISSUE A TEMPORARY PERMIT TO
5 AN APPLICANT for a license ~~may be issued temporary permits by the board~~ who
6 at the time of application ~~are graduates~~ IS A GRADUATE of a veterinary
7 college.

8 B. ~~The~~ A temporary permit issued under ~~the provisions of~~ this section
9 entitles the applicant to engage in the active practice of veterinary
10 medicine in this state as an employee of a licensed veterinarian, the state
11 or any county or municipality in this state. Such applicant shall be
12 eligible for the next examination, if he or she has not violated any
13 provision of this chapter. Such applicant working under the direct and
14 personal instruction, control or supervision of a licensed veterinarian and
15 whose compensation is paid by such veterinarian may perform those acts of
16 animal health care assigned by the veterinarian having responsibility for the
17 care of the animal. No temporary permit shall be valid beyond the time for
18 the next license examination for which the applicant is qualified. In the
19 event any such applicant fails for good and sufficient reason to take the
20 examination, the ~~board, by majority consent,~~ ASSOCIATE DIRECTOR may extend
21 the permit until the next succeeding examination. Except as otherwise
22 provided in this section, the holder of a temporary permit must be examined
23 and satisfactorily pass the license examination next following the issuance
24 of the permit and duly receive a license in order to continue active
25 professional practice. No more than two temporary permits shall be issued to
26 one individual. For THE purposes of this subsection, "direct and personal
27 instruction, control or supervision" means that a LICENSED veterinarian
28 ~~licensed by the board~~ is physically present and personally supervising a
29 temporary permittee when a permittee is practicing acts of veterinary
30 medicine except if a permittee is at a temporary site for the purpose of
31 delivering services to large animals or if a permittee is administering
32 emergency services not during regular office hours. In these cases, ~~phone~~
33 TELEPHONE contact constitutes direct and personal instruction, control or
34 supervision.

35 C. If an employer, for any reason, terminates the employment of the
36 applicant, the employing veterinarian shall notify the ~~board~~ ASSOCIATE
37 DIRECTOR and the temporary permit is immediately void.

38 Sec. 16. Section 3-3527, Arizona Revised Statutes, as transferred and
39 renumbered by this act, is amended to read:

40 3-3527. Employees of the state or political subdivisions;
41 license

42 A. The ~~board~~ ASSOCIATE DIRECTOR shall issue a license to any person
43 who is not licensed by examination to practice veterinary medicine in the
44 state and who is employed as a veterinarian by ~~the~~ THIS state or any
45 political subdivision ~~thereof~~ OF THIS STATE.

1 B. An applicant for a license under ~~the terms of~~ this section shall
2 ~~make written application therefor to the board~~ APPLY IN WRITING TO THE
3 ASSOCIATE DIRECTOR as required by section ~~32-2213~~ 3-3523 and shall meet the
4 qualifications prescribed by section ~~32-2215~~ 3-3525 with the exception of
5 subsection A, paragraph 3.

6 C. The holder of a license issued under ~~the terms of~~ this section
7 shall engage only in such actions of the practice of veterinary medicine as
8 shall be authorized by the ~~board~~ ASSOCIATE DIRECTOR, and in no event shall
9 acts of practice be performed for any person or firm other than the state or
10 the political subdivision employing the licensee. The licensee shall be
11 subject to the rules ~~of the board~~ ADOPTED UNDER THIS CHAPTER and the
12 provisions of this chapter relating to unprofessional or dishonorable
13 conduct.

14 D. A license ISSUED UNDER THIS SECTION expires on December 31 of every
15 even numbered year unless suspended or revoked. A license is renewable for
16 two years on payment of the renewal fee.

17 E. The fee for issuance of the license ~~shall be~~ UNDER THIS SECTION IS
18 five dollars in even numbered years and ten dollars in odd numbered years,
19 and the biennial renewal fee ~~shall be~~ IS ten dollars.

20 F. The license shall be revoked upon termination of employment of the
21 licensee.

22 Sec. 17. Section 3-3528, Arizona Revised Statutes, as transferred and
23 renumbered by this act, is amended to read:

24 3-3528. Issuance of permit to nonresident

25 A. The ~~board~~ ASSOCIATE DIRECTOR may issue to a person residing within
26 twenty-five miles of Arizona in the state of California, Colorado, Nevada,
27 New Mexico or Utah, who is licensed to practice veterinary medicine in the
28 state of residence and whose practice extends into this state, a permit in
29 the form prescribed by the ~~board~~ DIRECTOR authorizing such extended practice
30 in this state.

31 B. Application for a permit shall be made ~~upon~~ ON a form provided by
32 the ~~board~~ ASSOCIATE DIRECTOR. The application shall contain an irrevocable
33 consent that actions arising out of or involving the permittee's practice of
34 veterinary medicine in this state may be commenced within this state by
35 service of pleadings or process upon the ~~board, which~~ ASSOCIATE DIRECTOR WHO
36 shall forward to the permittee by certified mail a duplicate copy of the
37 pleading or process.

38 C. The permittee shall be subject to the rules ~~of the board~~ ADOPTED
39 UNDER THIS CHAPTER and the provisions of this chapter relating to the
40 practice of veterinary medicine and relating to unprofessional or
41 dishonorable conduct.

42 D. A permit issued under ~~the provisions of~~ this section expires on
43 December 31 of every even numbered year unless suspended or revoked.

1 E. The fee for issuance of the permit is fifty dollars in even
2 numbered years and one hundred dollars in odd numbered years. The biennial
3 renewal fee is one hundred dollars.

4 Sec. 18. Section 3-3529, Arizona Revised Statutes, as transferred and
5 renumbered by this act, is amended to read:

6 3-3529. License renewal and reinstatement

7 A. A license issued under ~~the provisions of~~ this chapter remains in
8 effect until December 31 of every even-numbered year unless suspended or
9 revoked. On submittal of an application for renewal and payment of a renewal
10 fee, a license is renewed for two years.

11 B. Failure to pay the license fee before February 1 following
12 expiration of the license shall be a forfeiture of the license, and the
13 license shall not be restored except upon written application to the ~~board~~
14 ASSOCIATE DIRECTOR and payment of a penalty fee of fifty dollars in addition
15 to all regular license fees and past due fees ~~owed to the board~~. A person
16 applying for reinstatement of a license within thirty-six months ~~of~~ AFTER
17 expiration shall not be required to submit to an examination because of
18 failure to pay the license fee, but it is unlawful for a person to practice
19 veterinary medicine or any branch of veterinary medicine during the period in
20 which the person's license has been forfeited by reason of nonpayment of the
21 license fee. If an applicant for reinstatement of a license has not
22 completed the continuing education requirements, a license may be reinstated
23 if the continuing education requirements are completed within six months ~~of~~
24 AFTER reinstatement. A person who does not apply for reinstatement within
25 thirty-six months after expiration of the license must meet the requirements
26 set forth in sections ~~32-2213, 32-2214 and 32-2215~~ 3-3523, 3-3524 AND 3-3525.

27 C. An application for renewal shall include a signed statement that no
28 complaint has been filed and is pending, no investigation is pending and no
29 disciplinary action has been taken or is pending on any veterinary license
30 the veterinarian holds from another state.

31 Sec. 19. Section 3-3551, Arizona Revised Statutes, as transferred and
32 renumbered by this act, is amended to read:

33 3-3551. Acts constituting the practice of veterinary medicine;
34 exceptions; definitions

35 A. A person shall be regarded as practicing veterinary medicine,
36 surgery and dentistry within the meaning of this chapter who, within this
37 state:

38 1. By advertisement, or by any notice, sign or other indication, or by
39 a statement written, printed or oral, in public or in private, made, done or
40 procured by himself or any other at his request claims, announces, makes
41 known or pretends his ability or willingness to diagnose any animal
42 condition, disease, deformity, defect, wound or injury or to perform any type
43 of surgical procedure on animals.

1 2. Advertises or makes known or claims his ability and willingness to
2 perform the following for hire, fee, compensation or reward that is directly
3 or indirectly promised, offered, expected, received or accepted:

4 (a) Prescribe or administer any drug, medicine, treatment, method or
5 practice for any animal.

6 (b) Perform any operation or manipulation on or apply any apparatus or
7 appliance to any animal.

8 (c) Give any instruction or demonstration for the cure, amelioration,
9 correction or reduction or modification of any animal condition, disease,
10 deformity, defect, wound or injury.

11 3. Diagnoses or prognosticates any animal condition, disease,
12 deformity, defect, wound or injury for hire, fee, reward or compensation that
13 is directly or indirectly promised, offered, expected, received or accepted.

14 4. Prescribes or administers any drug, medicine, treatment, method or
15 practice, performs any operation or manipulation, or applies any apparatus or
16 appliance for the cure, amelioration, correction or modification of any
17 animal condition, disease, deformity, defect, wound or injury for hire, fee,
18 compensation or reward that is directly or indirectly promised, offered,
19 expected, received or accepted.

20 B. This section does not apply to:

21 1. Duly authorized representatives of the United States department of
22 agriculture in the discharge of any duty authorized by the director in charge
23 of the animal disease eradication division.

24 2. A certified veterinary technician performing a task or function
25 authorized by the rules of the ~~board~~ ARIZONA DEPARTMENT OF AGRICULTURE in the
26 employ of and under the direction, supervision and control of a licensed
27 veterinarian.

28 3. An equine dental practitioner if all of the following apply:

29 (a) The equine dental practitioner is certified by the international
30 association of equine dentistry or the academy of equine dentistry.

31 (b) The equine dental practitioner performs any of the following
32 procedures under the general supervision of a licensed veterinarian:

33 (i) The application of any apparatus used to work on the oral cavity.

34 (ii) The examination of dental conditions.

35 (iii) The removal of overgrowth from the teeth of horses and the
36 removal of sharp enamel points from the teeth of horses, excluding any
37 extractions unless the certified equine dental practitioner is under the
38 direct supervision of a licensed veterinarian.

39 (iv) Any treatment of the oral cavity as authorized by the animal's
40 owner, excluding any extractions unless the certified equine dental
41 practitioner is under the direct supervision of a licensed veterinarian.

42 (c) The equine dental practitioner provides both of the following to
43 the ~~board~~ ASSOCIATE DIRECTOR:

44 (i) Proof of current certification from the international association
45 of equine dentistry or the academy of equine dentistry.

1 (ii) A written statement signed by the supervising licensed
2 veterinarian that the certified equine dental practitioner will be under the
3 general or direct supervision of the licensed veterinarian when performing
4 the procedures prescribed by this paragraph.

5 (d) Both the supervising licensed veterinarian and the certified
6 equine dental practitioner maintain dental charts for procedures done
7 pursuant to this paragraph.

8 C. Notwithstanding subsection B, paragraph 3, only a licensed
9 veterinarian and not an equine dental practitioner may prescribe or
10 administer, or both prescribe and administer, any drug or medicine.

11 D. For the purposes of this section:

12 1. "Direct supervision" means a licensed veterinarian must authorize
13 and be physically present for the procedure.

14 2. "General supervision" means a licensed veterinarian must be
15 available for consultation by telephone or other form of immediate
16 communication.

17 Sec. 20. Section 3-3552, Arizona Revised Statutes, as transferred and
18 renumbered by this act, is amended to read:

19 3-3552. Definition of unprofessional or dishonorable conduct

20 As used in this chapter, "unprofessional or dishonorable conduct"
21 includes:

22 1. The fraudulent use of any certificate or other official form used
23 in practice that would increase the hazard of dissemination of disease, the
24 transportation of diseased animals or the sale of inedible food products of
25 animal origin for human consumption.

26 2. Inadequate methods in violation of meat inspection procedures
27 prescribed by the federal government and Arizona meat inspection laws or
28 wilful neglect or misrepresentation in the inspection of meat.

29 3. Misrepresentation of services rendered.

30 4. Failure to report, or the negligent handling of, the serious
31 epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis,
32 tuberculosis, foot and mouth disease, hog cholera, and other communicable
33 diseases known to medical science as being a menace to human or animal
34 health.

35 5. The dispensing or giving to anyone of live culture or attenuated
36 live virus vaccines to be administered by a layman without providing
37 instruction as to their administration and use.

38 6. Having professional connection with, or lending one's name to, any
39 illegal practitioner of veterinary medicine and ~~the~~ ITS various branches
40 thereof.

41 7. Chronic inebriety or unlawful use of narcotics, dangerous drugs or
42 controlled substances.

43 8. Fraud or dishonesty in applying or reporting on any test or
44 vaccination for disease in animals.

- 1 1. Issue a decree of censure.
- 2 2. Fix a period and terms of probation as are best adapted to protect
3 the public and rehabilitate or educate the veterinarian. The terms of
4 probation may include temporary suspension, for not to exceed thirty days, or
5 restriction of the veterinarian's license to practice. The failure to comply
6 with any term of the probation is cause to consider the entire case plus any
7 other alleged violations of this chapter at a formal hearing pursuant to
8 title 41, chapter 6, article 10.
- 9 3. Impose a civil penalty of not to exceed one thousand dollars per
10 violation.
- 11 B. If, as a result of information ascertained during an investigation,
12 informal interview or formal hearing of a veterinarian, the ~~board~~ ASSOCIATE
13 DIRECTOR has concern for the veterinarian's conduct but has not found the
14 veterinarian's conduct in violation of section ~~32-2232~~ 3-3552, the ~~board in~~
15 ~~its discretion~~ ASSOCIATE DIRECTOR may issue a letter of concern to the
16 veterinarian regarding the veterinarian's conduct or issue a nondisciplinary
17 order requiring the licensee to complete a prescribed number of hours of
18 continuing education in an area or areas prescribed by the ~~board~~ ASSOCIATE
19 DIRECTOR to provide the licensee with the necessary understanding of current
20 developments, skills, procedures or treatment.
- 21 C. Notwithstanding subsection A of this section, the ~~board~~ ASSOCIATE
22 DIRECTOR may enter into a consent agreement with a veterinarian either before
23 or after conducting an informal interview. Pursuant to a consent agreement,
24 the ~~board~~ ASSOCIATE DIRECTOR may take any of the disciplinary actions listed
25 in subsection A, paragraphs 1, 2 and 3 of this section or may act to
26 otherwise limit or restrict the veterinarian's practice or to rehabilitate
27 the veterinarian.
- 28 D. If ~~the board finds~~, based on information ~~it receives~~ RECEIVED
29 pursuant to this section, THE ASSOCIATE DIRECTOR FINDS that public or animal
30 health, safety or welfare requires emergency action, ~~and incorporates a~~
31 ~~finding that emergency action is necessary in its order, the board may order~~
32 ~~summary suspension of~~ THE ASSOCIATE DIRECTOR MAY ISSUE AN ORDER INCORPORATING
33 A FINDING THE EMERGENCY ACTION IS NECESSARY AND SUMMARILY SUSPENDING a
34 license pending proceedings for revocation or other action. If the ~~board~~
35 ASSOCIATE DIRECTOR orders a summary suspension, the ~~board~~ ASSOCIATE DIRECTOR
36 shall serve the licensee with a written notice that states the charges and
37 that the licensee is entitled to a formal hearing before the ~~board~~ ASSOCIATE
38 DIRECTOR or an administrative law judge within sixty days pursuant to title
39 41, chapter 6, article 10.
- 40 E. Before a permit or license may be revoked or suspended for any
41 cause provided by section ~~32-2233~~ 3-3553, other than by terms of probation,
42 the ~~board~~ ASSOCIATE DIRECTOR must serve notice and conduct a hearing in the
43 manner prescribed by title 41, chapter 6, article 10.

1 F. After service of notice of the decision ~~of the board~~ suspending or
2 revoking a license, censuring a licensee, placing a licensee on probation or
3 dismissing the complaint, the licensee may apply for a rehearing or review by
4 filing a motion pursuant to title 41, chapter 6, article 10. The filing of a
5 motion for rehearing shall be a condition precedent to the right of appeal
6 provided by this section. The filing of a motion for rehearing shall suspend
7 the operation of the ~~board's~~ action in suspending or revoking a license or
8 censuring or placing a licensee on probation and shall allow the licensee to
9 continue to practice as a veterinarian pending denial or granting of the
10 motion and pending the decision ~~of the board~~ on rehearing if the motion is
11 granted. The ~~board~~ ASSOCIATE DIRECTOR may also grant a rehearing on ~~it's the~~
12 ASSOCIATE DIRECTOR'S own motion, ~~if it finds~~ ON A FINDING OF newly discovered
13 evidence or FOR any other reason justifying a reconsideration of the matter.

14 G. Except as provided in section 41-1092.08, subsection H, any party
15 aggrieved by a final order or decision of the ~~board~~ ASSOCIATE DIRECTOR UNDER
16 THIS SECTION may appeal to the superior court pursuant to title 12, chapter
17 7, article 6.

18 H. If the ~~state veterinary medical examining board~~ ASSOCIATE DIRECTOR
19 acts to modify any veterinarian's prescription writing privileges, ~~it~~ THE
20 ASSOCIATE DIRECTOR shall immediately notify the Arizona state board of
21 pharmacy of the modification.

22 I. All notices that ~~the board is~~ ARE required ~~to provide to any person~~
23 under this chapter are fully effective by personal service or by mailing a
24 true copy of the notice by certified, return receipt mail addressed to the
25 person's last known address of record in the ~~board's~~ DEPARTMENT'S files.
26 Notice by mail is complete at the time of its deposit in the mail. Service
27 on any person represented in a matter by an attorney is complete when the
28 notice is sent to the attorney at the last known address of record in the
29 ~~board's~~ DEPARTMENT'S files.

30 J. The ~~board~~ ASSOCIATE DIRECTOR shall retain all complaint files for
31 at least ten years and shall retain all complaint files in which disciplinary
32 action was taken for at least twenty-five years.

33 Sec. 23. Section 3-3555, Arizona Revised Statutes, as transferred and
34 renumbered by this act, is amended to read:

35 3-3555. Refusal to issue or renew license; reapplication

36 A. The ~~board, by majority consent,~~ ASSOCIATE DIRECTOR may refuse to
37 issue or renew a permit or license for any of the causes prescribed in
38 section ~~32-2233~~ 3-3553. The procedure for refusal to issue or renew a
39 license or permit, or both, shall be as provided in section ~~32-2234~~ 3-3554.

40 B. If a permit or license is not issued or renewed, such person may
41 not apply for a permit or license until six months have elapsed from the date
42 of refusal, and the new application shall be accompanied with the regular
43 examination fee and the license fee.

1 Sec. 24. Section 3-3556, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3556. Committee to investigate violations; referral to county
4 attorney or attorney general; inspection of records;
5 subpoenas; civil penalty; injunctions; cease and
6 desist orders; confidentiality

7 A. The ~~board~~ ASSOCIATE DIRECTOR shall appoint one or more
8 investigative committees, each consisting of three members of the general
9 public ~~who are not board members~~ and two licensed veterinarians ~~who are not~~
10 ~~board members~~. The investigative committee may interview witnesses, gather
11 evidence and otherwise investigate any charges accusing any person of
12 violating any of the provisions of this chapter. An assistant attorney
13 general shall advise the investigative committee on all questions of law
14 arising out of its investigations. The expenses of the committee shall be
15 paid out of the veterinary medical ~~examining board~~ fund.

16 B. The investigative committee shall prepare a written report relating
17 to any charge it investigates. The committee shall present its report to the
18 ~~board in an open meeting~~ ASSOCIATE DIRECTOR. The report shall include:

- 19 1. A summary of the investigation.
- 20 2. Findings of fact.

21 3. Either a recommendation to dismiss the charge or a finding that a
22 violation of this chapter or a rule adopted pursuant to this chapter
23 occurred.

24 C. If the ~~board~~ ASSOCIATE DIRECTOR rejects any recommendation
25 contained in a report of the investigative committee, ~~it~~ THE ASSOCIATE
26 DIRECTOR shall document the reasons for ~~its~~ THE decision in writing.

27 D. ~~Upon~~ ON the complaint of any citizen of this state, or ~~upon it's~~ ON
28 the ASSOCIATE DIRECTOR'S own initiative, the ~~board~~ ASSOCIATE DIRECTOR may
29 investigate any alleged violation of this chapter. If after investigation
30 the ~~board~~ ASSOCIATE DIRECTOR has probable cause to believe that an unlicensed
31 person is performing acts that are required to be performed by a person
32 licensed pursuant to this chapter, the ~~board~~ ASSOCIATE DIRECTOR may take one
33 or more of the following enforcement actions:

- 34 1. Issue a cease and desist order.
- 35 2. Request the county attorney or attorney general to file criminal
36 charges against the person.
- 37 3. File an action in the superior court to enjoin the person from
38 engaging in the unlicensed practice of veterinary medicine.
- 39 4. After notice and an opportunity for a hearing, impose a civil
40 penalty of not more than one thousand dollars for each violation.

41 E. The ~~board or its~~ ASSOCIATE DIRECTOR OR AUTHORIZED agents or
42 employees OF THE DEPARTMENT may at all reasonable times have access to and
43 the right to copy any documents, reports, records or other physical evidence
44 of any veterinarian including documents, reports, records or physical
45 evidence maintained by and in the possession of any veterinary medical

1 hospital, clinic, office or other veterinary medical premises being
2 investigated if such documents, records, reports or other physical evidence
3 relates to a specific investigation or proceeding conducted by the ~~board~~
4 ASSOCIATE DIRECTOR.

5 F. ~~The board on its own~~ ON THE ASSOCIATE DIRECTOR'S initiative or ~~upon~~
6 ON application of any person involved in an investigation or proceeding
7 ~~conducted by the board~~ UNDER THIS CHAPTER, THE ASSOCIATE DIRECTOR may issue
8 subpoenas compelling the attendance and testimony of witnesses or demanding
9 the production for examination or copying of documents, reports, records or
10 any other physical evidence if such evidence relates to the specific
11 investigation or proceeding conducted by the ~~board~~ ASSOCIATE DIRECTOR.

12 G. Except as provided in this subsection, all materials, documents and
13 evidence associated with a pending or resolved complaint or investigation are
14 confidential and are not public records. The following materials, documents
15 and evidence are not confidential and are public records if they relate to
16 resolved complaints:

17 1. The complaint.

18 2. The response and any rebuttal statements submitted by the licensee
19 or certificate holder.

20 ~~3. Board discussions of complaints that are recorded pursuant to~~
21 ~~section 32-2204, subsection C.~~

22 ~~4.~~ 3. Written reports of an investigative committee that are prepared
23 pursuant to subsection B of this section.

24 ~~5.~~ 4. Written statements ~~of the board~~ that are prepared pursuant to
25 subsection C of this section.

26 Sec. 25. Section 3-3557, Arizona Revised Statutes, as transferred and
27 renumbered by this act, is amended to read:

28 3-3557. Violations: classification

29 A. A person is guilty of a class 1 misdemeanor who:

30 1. Practices veterinary medicine or surgery under an assumed name.

31 2. Falsely impersonates another practitioner.

32 3. Fraudulently obtains a veterinary medical diploma, license or
33 record of registration.

34 4. Practices veterinary medicine or surgery without a license and
35 registration.

36 5. Unlawfully assumes or advertises a veterinary title conveying the
37 impression that the person is a lawful practitioner.

38 6. Knowingly violates any other provision of this chapter.

39 B. This chapter shall not be construed to prohibit a person from
40 practicing veterinary medicine or any of its branches in partnership with
41 another practitioner, or under a partnership or firm name, if the partnership
42 or firm is clearly identified as that of a practicing veterinarian, and if
43 all members of the partnership or firm are licensed to practice veterinary
44 medicine ~~by the board~~ UNDER THIS CHAPTER.

1 Sec. 26. Section 3-3558, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3558. Duty of veterinarian to report suspected dog
4 participant of dog fight or animal abuse; immunity

5 A. A veterinarian shall report in writing concerning any dog fighting
6 or animal abuse to a local law enforcement agency in the county where the
7 veterinarian is practicing within thirty days of any examination or treatment
8 administered to **EITHER OF THE FOLLOWING:**

9 1. Any dog or any **OTHER** animal ~~which~~ **THAT** the veterinarian reasonably
10 suspects and believes has participated in an organized dog fight. ~~or~~

11 2. Any **OTHER** animal ~~which~~ **THAT** the veterinarian reasonably suspects
12 and believes has been abused.

13 **B.** The report shall contain the breed and description of the dog or
14 ~~any~~ **OTHER** animal together with the name and address of the owner.

15 ~~**B- C.** A veterinarian shall report, in writing, suspected cases of~~
16 ~~abuse of livestock to the associate director of the division of animal~~
17 ~~services in the Arizona department of agriculture pursuant to title 3,~~
18 ~~chapter 11, article 1.~~ **C.** The report shall be made within thirty days of
19 treatment or examination and shall include the breed and description of the
20 animal together with the name and address of the owner.

21 ~~**C- D.**~~ **D.** A veterinarian who files a report as provided in this section
22 shall be immune from civil liability with respect to any report made in good
23 faith.

24 Sec. 27. Section 3-3559, Arizona Revised Statutes, as transferred and
25 renumbered by this act, is amended to read:

26 3-3559. Reporting of unprofessional conduct; immunity

27 A. Any person may report to the ~~board~~ **ASSOCIATE DIRECTOR** any
28 information the person has that appears to show that a veterinarian is or may
29 be medically incompetent or is or may be guilty of:

- 30 1. Unprofessional conduct.
31 2. Animal abuse.

32 **B.** A person who reports information ~~to the board~~ in good faith
33 pursuant to this section is immune from civil liability.

34 Sec. 28. Section 3-3560, Arizona Revised Statutes, as transferred and
35 renumbered by this act, is amended to read:

36 3-3560. Burial in landfill; notification requirement; licensed
37 crematory

38 A. If an animal dies in the care of a veterinarian or an animal's
39 owner brings a dead animal to a veterinarian and the animal's owner requests
40 that the animal be buried, the veterinarian shall notify the owner if the
41 burial is to be done in a landfill.

42 **B.** If the owner chooses cremation and a veterinarian offers cremation
43 services, the veterinarian shall use a crematory licensed pursuant to article
44 ~~8- 7~~ of this chapter.

1 Sec. 29. Section 3-3581, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3581. Dispensing of drugs and devices; conditions; definition

4 A. A veterinarian may dispense drugs and devices kept by the
5 veterinarian if:

6 1. All prescription-only drugs are dispensed in packages labeled with
7 the following information:

8 (a) The dispensing veterinarian's name, address and telephone number.

9 (b) The date the drug is dispensed.

10 (c) The animal owner's name and the animal's or herd's identification.

11 (d) The name, strength and quantity of the drug, directions for its
12 use and any cautionary statements.

13 2. The dispensing veterinarian enters into the medical record the
14 name, strength and quantity of the drug dispensed, the date the drug is
15 dispensed and the therapeutic reason.

16 B. The ~~board~~ DIRECTOR shall adopt rules providing that the animal's
17 owner or the person responsible for the animal shall be notified that some
18 prescription-only drugs may be available at a pharmacy and a written
19 prescription may be provided to the animal's owner or the person responsible
20 for the animal if requested.

21 C. A veterinarian shall dispense only to the animal's owner or person
22 responsible for the animal ~~he is treating~~ BEING TREATED and only for
23 conditions being treated by that veterinarian. The veterinarian shall
24 supervise the dispensing process. ~~In~~ FOR THE PURPOSES OF this subsection,
25 "supervision" means that a veterinarian makes the determination as to the
26 legitimacy or the advisability of the drugs or devices to be dispensed.

27 D. ~~This section shall be enforced by the board which shall establish~~
28 THE DIRECTOR SHALL ADOPT rules regarding access to, labeling, record keeping,
29 storage and packaging of drugs that are consistent with the requirements of
30 TITLE 32, chapter 18 ~~of this title~~.

31 E. THE ASSOCIATE DIRECTOR SHALL ENFORCE THIS SECTION. The ~~board~~
32 ASSOCIATE DIRECTOR may conduct periodic inspections of dispensing practices
33 to ~~assure~~ ENSURE compliance with this section and applicable rules.

34 ~~E.~~ F. For the purposes of this section, "dispense" means the delivery
35 by a veterinarian of a prescription-only drug or device to an animal, an
36 animal's owner or the person responsible for an animal and includes the
37 prescribing, administering, packaging, labeling and security necessary to
38 prepare and safeguard the drug or device for delivery.

39 Sec. 30. Section 3-3601, Arizona Revised Statutes, as transferred and
40 renumbered by this act, is amended to read:

41 3-3601. Veterinary technician; services performed

42 A veterinary technician may perform those services authorized ~~by the~~
43 ~~board~~ pursuant to section ~~32-2245~~ 3-3605 in the employ of and under the
44 direction, supervision and control of a licensed veterinarian who shall be
45 responsible for the performance of the veterinary technician. ANY

1 compensation for such authorized services shall be derived solely from the
2 employing veterinarian.

3 Sec. 31. Section 3-3602, Arizona Revised Statutes, as transferred and
4 renumbered by this act, is amended to read:

5 3-3602. Application for certification as veterinary technician:
6 qualifications

7 A. A person desiring to be certified as a veterinary technician shall
8 make written application to the ~~board~~ ~~upon~~ ASSOCIATE DIRECTOR ON a form
9 furnished by the ~~board~~ ASSOCIATE DIRECTOR.

10 B. The applicant shall be of good moral character and at least
11 eighteen years of age and shall furnish one of the following:

12 1. Satisfactory evidence of graduation from a two-year curriculum in
13 veterinary technology, or the equivalent of such graduation as determined by
14 the ~~board~~, ~~in~~ ASSOCIATE DIRECTOR, FROM a college or other institution
15 approved by the ~~board~~ ASSOCIATE DIRECTOR.

16 2. Satisfactory evidence that the applicant has been employed for at
17 least two years as a veterinary assistant under the supervision of a
18 veterinarian regularly licensed in this state and is recommended to the ~~board~~
19 ASSOCIATE DIRECTOR by the employing veterinarian or veterinarians.

20 C. The application shall be accompanied by the application and
21 examination fee established by the ~~board~~ ASSOCIATE DIRECTOR.

22 Sec. 32. Section 3-3603, Arizona Revised Statutes, as transferred and
23 renumbered by this act, is amended to read:

24 3-3603. Examination

25 The ~~board~~ DIRECTOR shall adopt rules ~~and regulations~~ governing the
26 written examinations and practical demonstrations by which all applicants
27 shall be tested and shall provide for giving reasonable notice of the time
28 and place for examinations.

29 Sec. 33. Section 3-3604, Arizona Revised Statutes, is amended to read:

30 3-3604. Certificate

31 An applicant who passes the PRESCRIBED examination ~~prescribed by the~~
32 ~~board shall, upon~~ AND ON payment of the PRESCRIBED fee ~~established by the~~
33 ~~board~~, SHALL receive a certificate in a form prescribed by the ~~board~~
34 ASSOCIATE DIRECTOR.

35 Sec. 34. Section 3-3605, Arizona Revised Statutes, as transferred and
36 renumbered by this act, is amended to read:

37 3-3605. Authorized services by veterinary technicians

38 A. The ~~board~~ DIRECTOR shall adopt rules ~~and regulations~~ pertaining to
39 and limiting the services performed by a veterinary technician.

40 B. Services performed by a veterinary technician shall not include
41 surgery, diagnosis or prognosis of animal diseases or prescribing of drugs
42 and medicine.

1 Sec. 35. Section 3-3607, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3607. Renewal of expired certificates

4 A. Except as otherwise provided in this article, an expired
5 certificate may be renewed at any time within five years after its expiration
6 on filing of application for renewal on a form prescribed by the ~~board~~
7 ASSOCIATE DIRECTOR and payment of the renewal fee in effect on the last
8 preceding regular renewal date. If the certificate is renewed more than
9 thirty days after its expiration, the applicant as a condition precedent to
10 renewal shall also pay the delinquency fee established by the ~~board~~ ASSOCIATE
11 DIRECTOR.

12 B. ~~Renewa~~ A CERTIFICATE THAT IS RENEWED under this section shall be
13 effective on the date on which the application is filed, on the date the
14 renewal fee is paid or on the date on which the delinquency fee, if any, is
15 paid, whichever occurs last.

16 Sec. 36. Section 3-3609, Arizona Revised Statutes, as transferred and
17 renumbered by this act, is amended to read:

18 3-3609. Grounds for revocation or suspension of certificate;
19 emergency care

20 A. Except as provided in subsection B OF THIS SECTION, the ~~board~~
21 ASSOCIATE DIRECTOR may revoke or suspend a certificate or place a technician
22 on probation for any of the following reasons:

23 1. The employment of fraud, misrepresentation or deception in
24 obtaining certification.

25 2. Conviction on a charge of cruelty to animals or conviction of a
26 felony, in which case the record of such conviction ~~will be~~ IS conclusive
27 evidence.

28 3. Chronic inebriety or habitual use of narcotics, dangerous drugs or
29 controlled substances.

30 4. Gross ignorance or inefficiency in connection with the performance
31 of technical procedures in veterinary medicine.

32 5. Representing himself as a doctor of veterinary medicine.

33 6. Violating or attempting to violate, directly or indirectly, or
34 assisting or abetting the violation or conspiracy to violate any ~~of the~~
35 ~~provisions~~ PROVISION of this chapter, a rule adopted under this chapter or a
36 written order ~~of the board~~ issued pursuant to this chapter.

37 7. Practicing veterinary medicine.

38 8. Gross incompetence or gross negligence.

39 9. Following orders that are in violation of this chapter or rules
40 adopted pursuant to this chapter.

41 B. In an emergency, a technician may render emergency care or first
42 aid if the technician is supervised telephonically by a licensed veterinarian
43 or until a licensed veterinarian arrives. This does not preclude emergency
44 care as outlined in section ~~32-2261~~ 3-3671.

1 Sec. 37. Section 3-3610, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3610. Veterinary technician certificate fees

4 The ~~board~~ DIRECTOR shall establish the fees provided for in this
5 article in amounts not to exceed the following:

- 6 1. Application and examination fee, one hundred fifty dollars.
- 7 2. Issuance of a certificate fee, twenty-five dollars in even-numbered
8 years and fifty dollars in odd-numbered years.
- 9 3. Renewal fee, one hundred dollars.
- 10 4. Delinquency fee, twenty-five dollars.
- 11 5. Duplicate certificate fee, twenty dollars.

12 Sec. 38. Section 3-3631, Arizona Revised Statutes, as transferred and
13 renumbered by this act, is amended to read:

14 3-3631. Premises license; inspections

15 A. A person shall not provide veterinary services, including
16 diagnosis, treatment, dentistry, surgery or dispensing prescription-only
17 veterinary drugs, to the public without a license issued by the ~~board~~
18 ASSOCIATE DIRECTOR.

19 B. A premises license shall be for a fixed location where a
20 veterinarian retains the records of a veterinary practice, stores veterinary
21 equipment or offers veterinary services to the public. A responsible
22 veterinarian who holds a premises license may provide veterinary services to
23 the public at the licensed fixed location and any temporary site in this
24 state at which adequate equipment and sanitation are available considering
25 the type of veterinary medical services provided. A veterinarian shall
26 obtain a separate premises license for each fixed location at which
27 veterinary services are regularly offered to the public. The responsible
28 veterinarian may authorize other licensed veterinarians to provide services
29 to the public pursuant to the responsible veterinarian's ~~veterinary~~ premises
30 license. Both the responsible veterinarian and the veterinarian who provides
31 the veterinary services shall maintain records of the veterinary services
32 provided and ensure that adequate equipment and sanitation are available.

33 C. The ~~board~~ ASSOCIATE DIRECTOR shall inspect ~~all~~ EACH fixed ~~locations~~
34 LOCATION before issuing a premises license FOR THE LOCATION. Adequate
35 equipment and sanitation shall be available for use at any location ~~which~~
36 THAT is necessary to provide the range of veterinary services ~~which~~ THAT the
37 veterinarian proposes to offer.

38 D. The ~~board~~ ASSOCIATE DIRECTOR may inspect any site at which a
39 veterinarian offers veterinary services to the public.

40 E. This section does not apply to county sponsored rabies vaccination
41 clinics, veterinarians exempt under section ~~32-2217~~ 3-3521 and veterinarians
42 licensed under section ~~32-2217~~ 3-3527.

1 Sec. 39. Section 3-3632, Arizona Revised Statutes, as transferred and
2 renumbered by this act, is amended to read:

3 3-3632. Premises license; application; expiration; renewal;
4 civil penalty

5 A. Any person who desires to establish premises at or from which
6 veterinary services are offered to the public shall ~~file with the board an~~
7 ~~application~~ APPLY TO THE ASSOCIATE DIRECTOR for a veterinary premises license
8 accompanied by the license fee.

9 B. The application shall be on a form prescribed and furnished by the
10 ~~board~~ ASSOCIATE DIRECTOR and shall contain:

11 1. The name and location of the premises.

12 2. The name of the person owning the premises and the name and
13 signature of the veterinarian responsible ~~to the board~~ for the operation of
14 the premises. The responsible veterinarian shall be a veterinarian who is
15 licensed in this state and who resides in this state or who holds a special
16 permit under section ~~32-2217.01~~ 3-3528.

17 3. A description of the services provided at or from the premises.

18 C. A license is valid only for the responsible veterinarian to whom it
19 is issued. A license is not subject to sale, assignment or transfer,
20 voluntary or involuntary. A license is not valid for any premises other than
21 those for which issued. If there have been major changes in the scope of
22 veterinary services offered, the premises are subject to reinspection.

23 D. A change of responsible veterinarian or owner shall cancel a
24 premises license. The responsible veterinarian or owner shall surrender the
25 premises license to the ~~board~~ ASSOCIATE DIRECTOR within twenty days ~~of~~ AFTER
26 the change in responsible veterinarian or owner. The failure of the
27 responsible veterinarian or owner to notify the ~~board~~ ASSOCIATE DIRECTOR in
28 writing within twenty days of a change in responsible veterinarian or owner
29 is grounds for disciplinary action.

30 E. A PREMISES license expires on December 31 of every even-numbered
31 year unless suspended or revoked. A license is renewable for two years ~~upon~~
32 ~~ON~~ payment of the renewal fee. If the renewal fee is not paid before
33 February 1 following the expiration of the license, a penalty fee of one
34 hundred dollars shall be paid in addition to the renewal fee before the
35 premises may be relicensed.

36 F. Within ninety days ~~of receipt of~~ AFTER RECEIVING an initial
37 application and fee, the ~~board~~ ASSOCIATE DIRECTOR shall issue a PREMISES
38 license if the application demonstrates compliance with this article or shall
39 notify the applicant at ~~his~~ THE last address of record if the application is
40 not in conformance with this article. Veterinary medical services may be
41 performed at any premises for which an application fee is submitted pending
42 issuance of the license or notification of a deficiency in the application.

43 G. If a veterinary premises ceases to operate and the premises owner
44 is subject to this chapter, the premises owner must continue to comply with
45 the requirements of this chapter and rules adopted ~~by the board~~ PURSUANT TO

1 THIS CHAPTER. The premises owner is subject to a civil penalty of not more
2 than one thousand dollars for each violation of the requirements of this
3 chapter or rules adopted ~~by the board~~ PURSUANT TO THIS CHAPTER. The total
4 penalty shall not exceed five thousand dollars.

5 H. If the responsible veterinarian is only an employee, the premises
6 owner is subject to a civil penalty of not more than one thousand dollars for
7 each violation of this article. The total penalty shall not exceed five
8 thousand dollars.

9 Sec. 40. Section 3-3633, Arizona Revised Statutes, as transferred and
10 renumbered by this act, is amended to read:

11 3-3633. Premises license fees

12 The ~~board~~ DIRECTOR may establish and THE ASSOCIATE DIRECTOR SHALL
13 collect in advance fees, not to exceed the following:

14 1. For issuance of a PREMISES license:

15 (a) In an odd-numbered year, one hundred dollars.

16 (b) In an even-numbered year, fifty dollars.

17 2. For renewal of a PREMISES license, two hundred dollars.

18 3. For a duplicate PREMISES license, twenty dollars.

19 Sec. 41. Section 3-3634, Arizona Revised Statutes, as transferred and
20 renumbered by this act, is amended to read:

21 3-3634. Grounds for refusal to issue or renew license or for
22 disciplinary action; procedure

23 A. The ~~board~~ ASSOCIATE DIRECTOR may take disciplinary action against
24 the responsible veterinarian, may place the responsible veterinarian on
25 probation or may revoke, suspend, refuse to issue or refuse to renew a
26 premises license for any of the following grounds:

27 1. Failure to notify the ~~board~~ ASSOCIATE DIRECTOR in writing within
28 twenty days of a change of ownership, management or responsible veterinarian.

29 2. Failure to maintain clean and sanitary facilities for the
30 performance of services in accordance with the rules adopted ~~by the board~~
31 PURSUANT TO THIS CHAPTER.

32 3. A violation of section ~~32-2233~~ 3-3553 or any rule adopted pursuant
33 to that section.

34 4. Failure to maintain accurate records or reports as required by this
35 chapter or by federal or state laws and rules pertaining to the storing,
36 labeling, selling, dispensing, prescribing and administering of controlled
37 substances.

38 5. Failure to maintain veterinary medical supplies, controlled
39 substances and surgical and other equipment in a safe, efficient and sanitary
40 manner.

41 6. Failure to keep written records of all animals receiving veterinary
42 services, failure to provide a summary of such records ~~upon~~ ON request to the
43 client or failure to produce such records at the request of the ~~board~~
44 ASSOCIATE DIRECTOR.

1 7. Revocation or suspension of the license to practice veterinary
2 medicine of the responsible veterinarian holding the veterinary medical
3 premises license.

4 8. Failure of the responsible veterinarian to maintain a current
5 license to practice veterinary medicine.

6 9. Failure of the responsible veterinarian to maintain a current
7 premises license to provide veterinary services to the public at a fixed
8 location.

9 10. Failure of emergency or twenty-four hour facilities to give copies
10 of medical records to the owner or the owner's agent on release of an animal.

11 B. If the ~~board~~ ASSOCIATE DIRECTOR receives information indicating
12 that disciplinary action should be taken against the responsible veterinarian
13 or a veterinary premises license, and if it appears after investigation that
14 the information may be true, the ~~board~~ ASSOCIATE DIRECTOR may issue a notice
15 of formal hearing or ~~the board~~ may hold an informal interview. If the
16 results of ~~the AN~~ informal interview indicate suspension or revocation of the
17 responsible veterinarian's license or the premises license or other action
18 may be in order, the ~~board~~ ASSOCIATE DIRECTOR shall issue a notice of formal
19 hearing and proceed pursuant to title 41, chapter 6, article 10. If the
20 informal interview and other evidence indicate that disciplinary action
21 should be taken other than suspension or revocation, the ~~board~~ ASSOCIATE
22 DIRECTOR may take any one or a combination of the following actions:

23 1. Issue a decree of censure.

24 2. Fix such period and terms of probation as are best adapted to
25 protect the public and rehabilitate or educate the responsible veterinarian
26 or veterinary premises license holder. The terms of probation may include
27 temporary suspension for not to exceed thirty days. The failure to comply
28 with any term of the probation is cause to consider the entire case plus any
29 other alleged violations of this chapter at a formal hearing pursuant to
30 title 41, chapter 6, article 10.

31 3. Impose a civil penalty of not more than one thousand dollars for
32 each violation.

33 C. Before a license may be revoked or suspended for any cause provided
34 by subsection A of this section, the ~~board~~ ASSOCIATE DIRECTOR shall serve
35 notice and conduct a hearing in the manner prescribed by title 41, chapter 6,
36 article 10.

37 Sec. 42. Section 3-3635, Arizona Revised Statutes, as transferred and
38 renumbered by this act, is amended to read:

39 3-3635. Rules; adoption; considerations

40 The ~~board~~ DIRECTOR may adopt rules setting forth minimum standards for
41 veterinary medical premises and for the practice of veterinary medicine. ~~The~~
42 ~~board shall~~, In the development of these rules, ~~THE ASSOCIATE DIRECTOR SHALL~~
43 take into consideration the needs, problems and practices relating to the
44 differences encountered by large animal veterinarians and other veterinarians
45 and shall also consider the different needs, problems and practices

1 encountered in the provision of veterinary services in rural or remote
2 locations in comparison with the provision of veterinary services at the
3 veterinarian's principal place of business.

4 Sec. 43. Section 3-3636, Arizona Revised Statutes, as transferred and
5 renumbered by this act, is amended to read:

6 3-3636. Retention of jurisdiction

7 The lapsing or suspension of a license by operation of law or by order
8 of the ~~board~~ ASSOCIATE DIRECTOR or a court of law or the voluntary surrender
9 of a license does not deprive the ~~board~~ ASSOCIATE DIRECTOR of jurisdiction to
10 do any of the following:

11 1. Proceed with any investigation of or action or disciplinary
12 proceeding against the licensee.

13 2. Render a decision suspending or revoking the license or denying the
14 renewal or right of renewal of the license.

15 3. Assess a civil penalty pursuant to section ~~32-2233~~ 3-3553 or
16 section ~~32-2237~~ 3-3556, subsection D.

17 Sec. 44. Section 3-3651, Arizona Revised Statutes, as transferred and
18 renumbered by this act, is amended to read:

19 3-3651. Animal crematory license requirements; inspections

20 A. An animal crematory license shall be for a fixed location where
21 animal cremation occurs. A person who holds an animal crematory license may
22 provide animal cremation services to the public at the licensed fixed
23 location. There shall be a separate animal crematory license for each fixed
24 location at which animal cremation services are regularly offered to the
25 public.

26 B. The ~~board~~ ASSOCIATE DIRECTOR shall inspect all fixed locations
27 before issuing an animal crematory license. Adequate equipment and
28 sanitation shall be available for use at any location that is necessary to
29 provide the animal cremation services offered.

30 C. The ~~board~~ ASSOCIATE DIRECTOR may inspect any animal crematory
31 licensed pursuant to this article.

32 Sec. 45. Section 3-3652, Arizona Revised Statutes, as transferred and
33 renumbered by this act, is amended to read:

34 3-3652. Animal crematory license; application;
35 nontransferability; expiration; renewal

36 A. Any person who desires to establish premises at or from which
37 animal cremation services are offered to the public shall ~~file with the board~~
38 ~~an application~~ APPLY TO THE ASSOCIATE DIRECTOR for an animal crematory
39 license accompanied by the license fee.

40 B. The application shall be on a form prescribed and furnished by the
41 ~~board~~ ASSOCIATE DIRECTOR and shall contain:

42 1. The name and location of the animal crematory.

43 2. The name of the person owning the animal crematory and the name and
44 signature of the person responsible to the board for the operation of the
45 animal crematory.

1 3. A description of the services provided at or from the animal
2 crematory.

3 C. A license is not subject to sale, assignment or transfer, voluntary
4 or involuntary. A license is not valid for any animal crematory other than
5 that for which it is issued. If there are major changes in the scope of
6 animal crematory services offered, the animal crematory is subject to
7 reinspection.

8 D. A change of responsible owner cancels an animal crematory license.
9 The responsible owner shall surrender the animal crematory license to the
10 ~~board~~ ASSOCIATE DIRECTOR within twenty days after the change in responsible
11 owner. The failure of the responsible owner to notify the ~~board~~ ASSOCIATE
12 DIRECTOR in writing within twenty days after a change in responsible owner is
13 grounds for disciplinary action.

14 E. A license expires on December 31 of every even numbered year unless
15 suspended or revoked. A license is renewable for two years on payment of the
16 renewal fee. If the renewal fee is not paid before February 1 following the
17 expiration of the license, a penalty fee of one hundred dollars shall be paid
18 in addition to the renewal fee before the animal crematory may be relicensed.

19 F. Within ninety days after receipt of an initial application and fee,
20 the ~~board~~ ASSOCIATE DIRECTOR shall issue a license if the application
21 demonstrates compliance with this article or shall notify the applicant at
22 the last address of record if the application is not in conformance with this
23 article.

24 G. Animal cremation services may be performed at any animal crematory
25 for which an application fee is submitted pending issuance of the license or
26 notification of a deficiency in the application.

27 Sec. 46. Section 3-3653, Arizona Revised Statutes, as transferred and
28 renumbered by this act, is amended to read:

29 3-3653. Animal crematory license fees

30 The ~~board~~ DIRECTOR may establish and THE ASSOCIATE DIRECTOR MAY collect
31 in advance fees for issuance of ~~a~~ AN ANIMAL CREMATORY license, renewal of a
32 license and a duplicate license. The fees shall be determined by the ~~board~~
33 DIRECTOR, and accounted for ~~in accordance with the provisions of~~ PURSUANT TO
34 section ~~32-2205~~ 3-3503.

35 Sec. 47. Section 3-3654, Arizona Revised Statutes, as transferred and
36 renumbered by this act, is amended to read:

37 3-3654. Grounds for refusal to issue or renew license or for
38 disciplinary action; procedure; civil penalty

39 A. The ~~board~~ ASSOCIATE DIRECTOR may take disciplinary action against
40 the animal crematory, including revoking, suspending, refusing to issue or
41 refusing to renew an animal crematory license for any of the following
42 grounds:

43 1. Failure to notify the ~~board~~ ASSOCIATE DIRECTOR in writing within
44 twenty days after a change of the person who owns the animal crematory or the
45 person responsible for the operation of the animal crematory.

1 2. Failure to maintain clean and sanitary facilities for the
2 performance of services in accordance with the rules adopted ~~by the board~~ FOR
3 THE PURPOSES OF THIS ARTICLE.

4 3. Failure to keep written records of all animals receiving crematory
5 services, failure to provide a summary of the records on request to the
6 client or failure to produce the records at the request of the ~~board~~
7 ASSOCIATE DIRECTOR.

8 4. Failure to maintain a current animal crematory license to provide
9 crematory services to the public at a fixed location.

10 B. If the ~~board~~ ASSOCIATE DIRECTOR receives information indicating
11 that disciplinary action should be taken against an animal crematory license
12 and if it appears after investigation that the information may be true, the
13 ~~board~~ ASSOCIATE DIRECTOR may issue a notice of formal hearing or ~~the board~~
14 may hold an informal interview. If the results of the informal interview
15 indicate suspension or revocation of the animal crematory license or other
16 action may be in order, the ~~board~~ ASSOCIATE DIRECTOR shall issue a notice of
17 formal hearing and proceed pursuant to title 41, chapter 6, article 10. If
18 the informal interview and other evidence indicate that disciplinary action
19 should be taken other than suspension or revocation, the ~~board~~ ASSOCIATE
20 DIRECTOR may take any one or a combination of the following actions:

21 1. Issue a decree of censure.

22 2. Fix such period and terms of probation as are best adapted to
23 protect the public and rehabilitate or educate the animal crematory licensee.
24 The terms of probation may include temporary suspension not to exceed thirty
25 days. The failure to comply with any term of the probation is cause to
26 consider the entire case and any other alleged violations of this chapter at
27 a formal hearing pursuant to title 41, chapter 6, article 10.

28 3. Impose a civil penalty of not more than one thousand dollars for
29 each violation. The total penalty shall not exceed five thousand dollars.

30 C. Before a license may be revoked or suspended for any cause provided
31 by subsection A, the ~~board~~ ASSOCIATE DIRECTOR shall serve notice and conduct
32 a hearing in the manner prescribed by title 41, chapter 6, article 10.

33 Sec. 48. Section 3-3655, Arizona Revised Statutes, as transferred and
34 renumbered by this act, is amended to read:

35 3-3655. Rules

36 The ~~board~~ DIRECTOR may adopt rules setting forth minimum standards for
37 animal crematories.

38 Sec. 49. Section 3-3656, Arizona Revised Statutes, as transferred and
39 renumbered by this act, is amended to read:

40 3-3656. Retention of jurisdiction

41 The lapsing or suspension of a license by operation of law or by order
42 of the ~~board~~ ASSOCIATE DIRECTOR or a court of law or the voluntary surrender
43 of a license does not deprive the ~~board~~ ASSOCIATE DIRECTOR of jurisdiction to
44 do any of the following:

1 1. Proceed with any investigation of or action or disciplinary
2 proceeding against the licensee.
3 2. Render a decision suspending or revoking the license or denying the
4 renewal or right of renewal of the license.
5 3. Assess a civil penalty pursuant to section ~~32-2233~~ 3-3553 or
6 section ~~32-2237~~ 3-3556, subsection D.
7 Sec. 50. Section 13-3406, Arizona Revised Statutes, is amended to
8 read:
9 13-3406. Possession, use, administration, acquisition, sale,
10 manufacture or transportation of prescription-only
11 drugs; classification
12 A. A person shall not knowingly:
13 1. Possess or use a prescription-only drug unless the person obtains
14 the prescription-only drug pursuant to a valid prescription of a prescriber
15 who is licensed pursuant to TITLE 3, CHAPTER 19 OR title 32, chapter 7, 11,
16 13, 14, 15, 16, 17, ~~21~~, 25 or 29 or is similarly licensed in another state.
17 2. Unless the person holds a license or a permit issued pursuant to
18 TITLE 3, CHAPTER 19 OR title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, ~~21~~,
19 25 or 29, possess a prescription-only drug for sale.
20 3. Unless the person holds a license or a permit issued pursuant to
21 TITLE 3, CHAPTER 19 OR title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, ~~21~~,
22 25 or 29, possess equipment and chemicals for the purpose of manufacturing a
23 prescription-only drug.
24 4. Unless the person holds a license or a permit issued pursuant to
25 title 32, chapter 18, manufacture a prescription-only drug.
26 5. Administer a prescription-only drug to another person whose
27 possession or use of the prescription-only drug violates any provision of
28 this section.
29 6. Obtain or procure the administration of a prescription-only drug by
30 fraud, deceit, misrepresentation or subterfuge.
31 7. Unless the person is authorized, transport for sale, import into
32 this state or offer to transport for sale or import into this state, sell,
33 transfer or offer to sell or transfer a prescription-only drug.
34 B. A person who violates:
35 1. Subsection A, paragraph 1, 3, 4, 5 or 6 is guilty of a class 1
36 misdemeanor.
37 2. Subsection A, paragraph 2 or 7 is guilty of a class 6 felony.
38 C. In addition to any other penalty prescribed by this title, the
39 court shall order a person who is convicted of a violation of any provision
40 of this section to pay a fine of one thousand dollars. A judge shall not
41 suspend any part or all of the imposition of any fine required by this
42 subsection.
43 D. A person who is convicted of a felony violation of a provision of
44 this section for which probation or release before the expiration of the
45 sentence imposed by the court is authorized is prohibited from using any

1 marijuana, dangerous drug, narcotic drug or prescription-only drug except as
2 lawfully administered by a practitioner and as a condition of any probation
3 or release shall be required to submit to drug testing administered under the
4 supervision of the probation department of the county or the state department
5 of corrections, as appropriate, during the duration of the term of probation
6 or before the expiration of the sentence imposed.

7 E. If a person who is convicted of a violation of a provision of a
8 subsection A, paragraph 2 or 7 is granted probation, the court shall order
9 that as a condition of probation the person perform not less than two hundred
10 forty hours of community restitution with an agency or organization providing
11 counseling, rehabilitation or treatment for alcohol or drug abuse, an agency
12 or organization that provides medical treatment to persons who abuse
13 controlled substances, an agency or organization that serves persons who are
14 victims of crime or any other appropriate agency or organization.

15 Sec. 51. Section 32-1603, Arizona Revised Statutes, is amended to
16 read:

17 32-1603. Qualifications of board members

18 A. Each professional nurse member of the board shall:

- 19 1. Be a resident of the state.
- 20 2. Be a graduate of an approved professional nursing program.
- 21 3. Be licensed as a professional nurse in this state.
- 22 4. Have had at least five years' experience in nursing following
23 graduation, including executive, supervisory or teaching experience in
24 nursing education or nursing service.
- 25 5. Have been actively engaged in the practice of nursing or nursing
26 activities for at least three years preceding the appointment.

27 B. Each licensed practical nurse member of the board shall:

- 28 1. Be a resident of this state.
- 29 2. Be a graduate of an approved practical nursing program.
- 30 3. Be licensed as a licensed practical nurse in this state.
- 31 4. Have had at least five years' experience in practical nursing
32 following graduation.
- 33 5. Have been actively engaged in the practice of nursing for at least
34 three years preceding the appointment.

35 C. Each public member of the board shall be a person who:

- 36 1. Is not licensed pursuant to TITLE 3, CHAPTER 19, chapter 7, 8, 11,
37 13, 14, 15.1, 16, 17, 18, 19, 19.1, ~~21~~, 25 or 29 of this title or this
38 chapter as an individual health care provider.
- 39 2. Is not an employee of any health care institution licensed pursuant
40 to title 36, chapter 4 or any authorized insurer providing disability
41 insurance coverage in this state.
- 42 3. Does not have a financial interest as a provider in the delivery of
43 health care services.

1 D. Each member of the board shall take and subscribe to the oath
2 prescribed by law for state officers, which shall be filed with the secretary
3 of state.

4 Sec. 52. Section 32-1904, Arizona Revised Statutes, is amended to
5 read:

6 32-1904. Powers and duties of board; immunity

7 A. The board shall:

8 1. Make bylaws and adopt rules that are necessary for the protection
9 of the public and that pertain to the practice of pharmacy, the
10 manufacturing, wholesaling or supplying of drugs, devices, poisons or
11 hazardous substances, the use of pharmacy technicians and support personnel
12 and the lawful performance of its duties.

13 2. Fix standards and requirements for the registration and
14 reregistration of pharmacies, except as otherwise specified.

15 3. Investigate compliance as to the quality, label and labeling of all
16 drugs, devices, poisons or hazardous substances and take action necessary to
17 prevent the sale of these if they do not conform to the standards prescribed
18 in this chapter, the official compendium or the federal act.

19 4. Enforce its rules. In so doing, the board or its agents have free
20 access at all reasonable hours to any pharmacy, manufacturer, wholesaler,
21 nonprescription drug permittee or other establishment in which drugs,
22 devices, poisons or hazardous substances are manufactured, processed, packed
23 or held, or to enter any vehicle being used to transport or hold such drugs,
24 devices, poisons or hazardous substances for the purpose:

25 (a) Of inspecting the establishment or vehicle to determine if ~~any of~~
26 ~~the provisions of~~ this chapter or the federal act ~~are~~ IS being violated.

27 (b) Of securing samples or specimens of any drug, device, poison or
28 hazardous substance after paying or offering to pay for such sample.

29 (c) Of detaining or embargoing a drug, device, poison or hazardous
30 substance in accordance with section 32-1994.

31 5. Examine and license as pharmacists and pharmacy interns all
32 qualified applicants as provided by this chapter.

33 6. Issue duplicates of lost or destroyed permits on the payment of a
34 fee as prescribed by the board.

35 7. Adopt rules for the rehabilitation of pharmacists and pharmacy
36 interns as provided by this chapter.

37 8. At least once every three months notify pharmacies regulated
38 pursuant to this chapter of any modifications on prescription writing
39 privileges of podiatrists, dentists, doctors of medicine, registered nurse
40 practitioners, osteopathic physicians, veterinarians, physician assistants,
41 optometrists and homeopathic physicians of which it receives notification
42 from the board of podiatry examiners, board of dental examiners, Arizona
43 medical board, board of nursing, board of osteopathic examiners in medicine
44 and surgery, ~~veterinary medical examining board,~~ ARIZONA DEPARTMENT OF

1 AGRICULTURE, ARIZONA regulatory board of physician assistants, board of
2 optometry or board of homeopathic medical examiners.

3 B. The board may:

4 1. Employ chemists, compliance officers, clerical help and other
5 employees and provide laboratory facilities for the proper conduct of its
6 business.

7 2. Provide, by education of and information to the licensees and to
8 the public, assistance in the curtailment of abuse in the use of drugs,
9 devices, poisons and hazardous substances.

10 3. Approve or reject the manner of storage and security of drugs,
11 devices, poisons and hazardous substances.

12 4. Accept monies and services to assist in the enforcement of ~~the~~
13 ~~provisions of~~ this chapter from other than licensees:

14 (a) For performing inspections and other board functions.

15 (b) For the cost of copies of the pharmacy and controlled substances
16 laws, the annual report of the board, and other information from the board.

17 5. Adopt rules for professional conduct appropriate to the
18 establishment and maintenance of a high standard of integrity and dignity in
19 the profession of pharmacy.

20 6. Grant permission to deviate from a state requirement for
21 experimentation and technological advances.

22 7. Adopt rules for the training and practice of pharmacy interns,
23 pharmacy technicians and support personnel.

24 8. Investigate alleged violations of this chapter, conduct hearings in
25 respect to violations, subpoena witnesses and take such action as it deems
26 necessary to revoke or suspend a license or a permit, place a licensee or
27 permittee on probation or warn a licensee or permittee under this chapter or
28 to bring notice of violations to the county attorney of the county in which a
29 violation took place or to the attorney general.

30 9. By rule approve colleges or schools of pharmacy.

31 10. By rule approve programs of practical experience, clinical
32 programs, internship training programs, programs of remedial academic work
33 and preliminary equivalency examinations as provided by this chapter.

34 11. Assist in the continuing education of pharmacists and pharmacy
35 interns.

36 12. Issue inactive status licenses as provided by this chapter.

37 13. Accept monies and services from the federal government or others
38 for educational, research or other purposes pertaining to the enforcement of
39 this chapter.

40 14. By rule except from the application of all or any part of this
41 chapter any material, compound, mixture or preparation containing any
42 stimulant or depressant substance included in section 13-3401, paragraph 6,
43 subdivision (b) or (c) from the definition of dangerous drug if the material,
44 compound, mixture or preparation contains one or more active medicinal
45 ingredients not having a stimulant or depressant effect on the central

1 nervous system, provided that such admixtures are included in such
2 combinations, quantity, proportion or concentration as to vitiate the
3 potential for abuse of the substances that do have a stimulant or depressant
4 effect on the central nervous system.

5 15. Adopt rules for the revocation, suspension or reinstatement of
6 licenses or permits or the probation of licensees or permittees as provided
7 by this chapter.

8 C. The executive director and other permanent or temporary personnel
9 or agents of the board are not subject to civil liability for any act done or
10 proceeding undertaken or performed in good faith and in furtherance of the
11 purposes of this chapter.

12 Sec. 53. Section 32-1921, Arizona Revised Statutes, is amended to
13 read:

14 32-1921. Exempted acts; exemption from registration fees;
15 definition

16 A. This chapter does not prevent:

17 1. The prescription and dispensing of drugs or prescription
18 medications by a registered nurse practitioner pursuant to rules adopted by
19 the board of nursing in consultation with the Arizona medical board, the
20 board of osteopathic examiners in medicine and surgery and the board of
21 pharmacy.

22 2. The sale of nonprescription drugs that are sold at retail in
23 original packages by a person holding a permit under this chapter.

24 3. The sale of drugs at wholesale by a wholesaler or manufacturer that
25 holds the required permit issued by the board to a person who holds the
26 required permit issued under this chapter.

27 4. The following health professionals from dispensing or personally
28 administering drugs or devices to a patient for a condition being treated by
29 the health professional:

30 (a) A doctor of medicine WHO IS licensed pursuant to chapter 13 of
31 this title.

32 (b) An osteopathic physician WHO IS licensed pursuant to chapter 17 of
33 this title.

34 (c) A homeopathic physician WHO IS licensed pursuant to chapter 29 of
35 this title.

36 (d) A podiatrist WHO IS licensed pursuant to chapter 7 of this title.

37 (e) A dentist WHO IS licensed pursuant to chapter 11 of this title.

38 (f) A doctor of naturopathic medicine who is authorized to prescribe
39 natural substances, drugs or devices and who is licensed pursuant to chapter
40 14 of this title.

41 (g) An optometrist who is licensed pursuant to chapter 16 of this
42 title and who is certified for topical or oral pharmaceutical agents.

43 5. A veterinarian WHO IS licensed pursuant to ~~chapter 21 of this~~
44 3, CHAPTER 19 from dispensing or administering drugs to an animal or from

1 dispensing or administering devices to an animal being treated by the
2 veterinarian.

3 6. The use of any pesticide chemical, soil or plant nutrient or other
4 agricultural chemical that is a color additive solely because of its effect
5 in aiding, retarding or otherwise affecting directly or indirectly the growth
6 or other natural physiological process of produce of the soil and thereby
7 affecting its color whether before or after harvest.

8 7. A licensed practical or registered nurse employed by a person WHO
9 IS licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from
10 assisting in the delivery of drugs and devices to patients, ~~in accordance~~
11 ~~with the provisions of~~ PURSUANT TO chapter 7, 11, 13, 14, 17 or 29 of this
12 title.

13 8. The use of any mechanical device or vending machine in connection
14 with the sale of any nonprescription drug, including proprietary and patent
15 medicine. The board may adopt rules to prescribe conditions under which
16 nonprescription drugs may be dispensed pursuant to this paragraph.

17 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
18 29 of this title and who employs a licensed practical or registered nurse who
19 in the course of employment assists in the delivery of drugs and devices is
20 responsible for the dispensing process.

21 C. Pursuant to a prescription order written by a physician for the
22 physician's patients and dispensed by a licensed pharmacist, a physical
23 therapist licensed pursuant to chapter 19 of this title, an occupational
24 therapist licensed pursuant to chapter 34 of this title or an athletic
25 trainer licensed pursuant to chapter 41 of this title may procure, store and
26 administer nonscheduled legend and topical anti-inflammatories and topical
27 anesthetics for use in phonophoresis and iontophoresis procedures and within
28 the scope of practice of physical or occupational therapy or athletic
29 training.

30 D. A public health facility operated by this state or a county and a
31 qualifying community health center may dispense medication or devices to
32 patients at no cost without providing a written prescription if the public
33 health facility or the qualifying community health center meets all storage,
34 labeling, safety and record keeping rules adopted by the board of pharmacy.

35 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
36 29 of this title, who is practicing at a public health facility or a
37 qualifying community health center and who is involved in the dispensing of
38 medication or devices only at a facility or center, whether for a charge or
39 at no cost, shall register to dispense with the appropriate licensing board
40 but is exempt from paying registration fees.

41 F. For the purposes of this section, "qualifying community health
42 center" means a primary care clinic that is recognized as nonprofit under
43 section 501(c)(3) of the United States internal revenue code and whose board
44 of directors includes patients of the center and residents of the center's
45 service area.

1 Sec. 54. Section 32-3101, Arizona Revised Statutes, is amended to
2 read:

3 32-3101. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Applicant group" means any health professional group or
6 organization, any individual or any other interested party that proposes that
7 any health professional group not presently regulated be regulated or that
8 proposes to increase the scope of practice of a health profession.

9 2. "Certification" means a voluntary process by which a regulatory
10 entity grants recognition to an individual who has met certain prerequisite
11 qualifications specified by that regulatory entity and who may assume or use
12 the word "certified" in a title or designation to perform prescribed health
13 professional tasks.

14 3. "Grandfather clause" means a provision applicable to practitioners
15 actively engaged in the regulated health profession before the effective date
16 of a law that exempts the practitioners from meeting the prerequisite
17 qualifications set forth in the law to perform prescribed occupational tasks.

18 4. "Health professions" means professions regulated pursuant to [TITLE](#)
19 [3, CHAPTER 19](#), chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, ~~21,~~
20 25, 28, 29, 33, 34, 35, 39 or 41 of this title, title 36, chapter 6, article
21 7 or title 36, chapter 17.

22 5. "Increase the scope of practice" means to engage in conduct beyond
23 the authority granted to a health profession by law.

24 6. "Inspection" means the periodic examination of practitioners by a
25 state agency in order to ascertain whether the practitioners' occupation is
26 being carried out in a fashion consistent with the public health, safety and
27 welfare.

28 7. "Legislative committees of reference" means joint subcommittees
29 composed of the members of the appropriate standing committees of the house
30 of representatives and senate appointed pursuant to section 41-2954.

31 8. "Licensure" or "license" means an individual, nontransferable
32 authorization to carry on a health activity that would otherwise be unlawful
33 in this state in the absence of the permission, and that is based on
34 qualifications that include graduation from an accredited or approved program
35 and acceptable performance on a qualifying examination or a series of
36 examinations.

37 9. "Practitioner" means an individual who has achieved knowledge and
38 skill by practice and who is actively engaged in a specified health
39 profession.

40 10. "Public member" means an individual who is not and never has been a
41 member or spouse of a member of the health profession being regulated and who
42 does not have and never has had a material financial interest in either the
43 rendering of the health professional service being regulated or an activity
44 directly related to the profession being regulated.

1 11. "Registration" means the formal notification that, before rendering
2 services, a practitioner shall submit to a state agency setting forth the
3 name and address of the practitioner, the location, nature and operation of
4 the health activity to be practiced and, if required by a regulatory entity,
5 a description of the service to be provided.

6 12. "Regulatory entity" means any board, commission, agency or
7 department of this state that regulates one or more health professions in
8 this state.

9 13. "State agency" means any department, board, commission or agency of
10 this state.

11 Sec. 55. Section 32-3201, Arizona Revised Statutes, is amended to
12 read:

13 32-3201. Definitions

14 In this chapter, unless the context otherwise requires:

15 1. "Health profession regulatory board" means any board that regulates
16 one or more health professionals in this state.

17 2. "Health professional" means a person who is certified or licensed
18 pursuant to TITLE 3, CHAPTER 19, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17,
19 18, 19, 19.1, ~~21~~, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title
20 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter
21 17.

22 3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in section
23 12-2291 but does not include prescription orders.

24 Sec. 56. Section 32-3521, Arizona Revised Statutes, is amended to
25 read:

26 32-3521. Temporary licensure: exemptions: transactions by
27 medical equipment dealers

28 A. An applicant who has filed an application for licensure may perform
29 respiratory care services without a license if the services are performed
30 under the direct supervision of a licensed respiratory care practitioner or a
31 physician licensed pursuant to chapter 13 or 17 of this title from the date
32 that he receives notice that his application is on file to the date that he
33 receives his license. This period shall not exceed one year. During this
34 period the board shall grant the applicant a temporary license. After that
35 time period, the board shall review the applicant's excepted status and may
36 renew the temporary license for an additional one hundred twenty days.

37 B. This chapter does not prohibit:

38 1. The performance of respiratory care services which are an integral
39 part of a program of study by students enrolled in respiratory therapy
40 training programs if the services are rendered under the supervision of a
41 licensed respiratory care practitioner or a physician licensed pursuant to
42 chapter 13 or 17 of this title.

43 2. Self-care by a patient or the gratuitous care by a friend or
44 relative who does not purport to be a licensed respiratory care practitioner.

1 3. The performance of respiratory care services in case of an
2 emergency, including an epidemic or public disaster.

3 4. The performance of respiratory care services by registered,
4 certified or licensed individuals as provided pursuant to TITLE 3, CHAPTER
5 19, chapters 7, 8, 11, 13, 14, 15, 17, 18, 19, ~~21~~, 25, 28 and 29 of this
6 title and title 36, chapter 21.1.

7 5. The performance of specific diagnostic testing techniques relating
8 to respiratory care by a person under medical direction in a clinical
9 laboratory that is regulated pursuant to title 36, chapter 4.1.

10 6. The performance of respiratory care services by a person employed
11 as a respiratory therapist or respiratory therapy technician by the United
12 States government or any of its agencies if that person provides respiratory
13 therapy only under the direction or control of the federal government or an
14 agency of the federal government.

15 7. Medical equipment dealers who comply with subsection C from taking
16 a prescription for respiratory equipment, as long as that prescription is
17 verified by a licensed respiratory therapist or respiratory therapy
18 technician, and delivering oxygen equipment to or demonstrating the
19 operation, safety and maintenance of oxygen equipment at a patient's home.

20 C. In a sale or lease of respiratory equipment by a medical equipment
21 dealer to a patient, the terms of the sale or lease shall be in writing and
22 signed by the parties describing the date of the sale or lease, the equipment
23 to be sold or leased and the cost and method of payment for the equipment and
24 shall include verification by a licensed respiratory therapist or respiratory
25 therapy technician attesting that purchase or lease of the equipment is
26 consistent with the prescription and the needs of the patient. The patient
27 shall be provided a copy of all documents pertaining to the sale or lease at
28 the time the documents are signed by the parties.

29 Sec. 57. Subject to the requirements of article IV, part 1, section 1,
30 Constitution of Arizona, section 36-601.01, Arizona Revised Statutes, is
31 amended to read:

32 36-601.01. Smoke-free Arizona act; definitions

33 A. ~~Definitions. The following words and phrases, whenever used in~~
34 ~~this section, shall be construed as defined in this section~~ FOR THE PURPOSES
35 OF THIS SECTION:

36 1. "Employee" means any person who performs any service on a
37 full-time, part-time or contracted basis whether or not the person is
38 denominated an employee, ~~OR~~ independent contractor or otherwise and whether
39 or not the person is compensated or is a volunteer.

40 2. "Employer" means a person, A business, A partnership, AN
41 association, ~~the THIS state of Arizona~~ and its political subdivisions,
42 ~~corporations~~ A CORPORATION, including a municipal ~~corporations~~ CORPORATION, A
43 trust, or ~~non-profit~~ A NONPROFIT entity that employs the services of one or
44 more individual persons.

1 3. "Enclosed area" means all space between a floor and ceiling that is
2 enclosed on all sides by permanent or temporary walls or windows, ~~(exclusive~~
3 ~~of doorways)~~, ~~which~~ THAT extend from the floor to the ceiling. Enclosed
4 area includes a reasonable distance from any entrances, windows and
5 ventilation systems so that persons entering or leaving the building or
6 facility shall not be subjected to breathing tobacco smoke and so that
7 tobacco smoke does not enter the building or facility through entrances,
8 windows, ventilation systems or any other means.

9 4. "Health care facility" means any enclosed area ~~utilized~~ USED by any
10 health care institution licensed ~~according~~ PURSUANT to ~~title 36~~ chapter 4 OF
11 THIS TITLE, ~~chapter 6~~ article 7, OF THIS CHAPTER or chapter 17, OF THIS
12 TITLE or BY any health care professional licensed ~~according~~ PURSUANT to TITLE
13 3, CHAPTER 19 OR title 32, ~~chapters~~ CHAPTER 7, 8, 11, 13, 14, 15, 15.1, 16,
14 17, 18, 19, 19.1, ~~21~~, 25, 28, 29, 33, 34, 35, 39, ~~41~~, or 42.

15 5. "Person" means an individual, partnership, corporation, limited
16 liability company, entity, association, governmental subdivision or unit of a
17 governmental subdivision, or a public or private organization of any
18 character.

19 6. "Physically separated" means all space between a floor and ceiling
20 which is enclosed on all sides by solid walls or windows, ~~(exclusive of door~~
21 ~~or passageway,)~~ and independently ventilated from smoke-free areas, so that
22 air within permitted smoking areas does not drift or get vented into
23 smoke-free areas.

24 7. "Places of employment" means an enclosed area under the control of
25 a public or private employer that employees normally frequent during the
26 course of employment, including office buildings, work areas, auditoriums,
27 employee lounges, restrooms, conference rooms, meeting rooms, classrooms,
28 cafeterias, hallways, stairs, elevators, health care facilities, private
29 offices and vehicles owned and operated by the employer during working hours
30 when the vehicle is occupied by more than one person. A private residence is
31 not a ~~"place of employment"~~ unless it is used as a child care, adult day
32 care, or health care facility.

33 ~~9.~~ 8. "Public place" means any enclosed area to which the public is
34 invited or in which the public is permitted, including airports, banks, bars,
35 common areas of apartment buildings, condominiums or other multifamily
36 housing facilities, educational facilities, entertainment facilities or
37 venues, health care facilities, hotel and motel common areas, laundromats,
38 public transportation facilities, reception areas, restaurants, retail food
39 production and marketing establishments, retail service establishments,
40 retail stores, shopping malls, sports facilities, theaters, and waiting
41 rooms. A private residence is not a ~~"public place"~~ unless it is used as a
42 child care, adult day care, or health care facility.

43 ~~10.~~ 9. "Retail tobacco store" means a retail store that derives the
44 majority of its sales from tobacco products and accessories.

1 ~~11.~~ 10. "Smoking" means inhaling, exhaling, burning,~~—~~ or carrying or
2 possessing any lighted tobacco product, including cigars, cigarettes, pipe
3 tobacco and any other lighted tobacco product.

4 ~~12.~~ 11. "Sports facilities" means enclosed areas of sports pavilions,
5 stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and
6 ice rinks, billiard halls, bowling alleys,~~—~~ and other similar places where
7 members of the general public assemble to engage in physical exercise,
8 participate in athletic competition,~~—~~ or witness sporting events.

9 ~~8.~~ 12. "Veteran and fraternal clubs" means a club as defined in
10 ~~A.R.S. 4-101(7)(a)(b) or (c)~~ SECTION 4-101, PARAGRAPH 7, SUBDIVISION (a), (b)
11 OR (c).

12 B. Smoking is prohibited in all public places and places of employment
13 ~~within the~~ IN THIS state ~~of Arizona~~, except the following:

14 1. Private residences, except when used as a licensed child care,
15 adult day care,~~—~~ or health care facility.

16 2. Hotel and motel rooms that are rented to guests and THAT are
17 designated as smoking rooms; provided, however, that not more than fifty
18 ~~percent~~ PER CENT of rooms rented to guests in a hotel or motel are so
19 designated.

20 3. Retail tobacco stores that are physically separated so that smoke
21 from retail tobacco stores does not infiltrate into areas where smoking is
22 prohibited under ~~the provisions of~~ this section.

23 4. Veterans and fraternal clubs when they are not open to the general
24 public.

25 5. Smoking when associated with a religious ceremony practiced
26 pursuant to the American Indian religious freedom act of 1978.

27 6. Outdoor patios ~~so long as~~ IF tobacco smoke does not enter areas
28 where smoking is prohibited through entrances, windows, ventilation systems,~~—~~
29 or other means.

30 7. A theatrical performance ~~upon~~ ON a stage or in the course of a film
31 or television production if the smoking is part of the performance or
32 production.

33 C. The prohibition on smoking in places of employment shall be
34 communicated to all existing employees by ~~the effective date of this section~~
35 MAY 1, 2007 and to all prospective employees ~~upon~~ ON their application for
36 employment.

37 D. Notwithstanding any other provision of this section, an owner,
38 operator, manager,~~—~~ or other person or entity in control of an establishment,
39 facility,~~—~~ or outdoor area may declare that entire establishment, facility,~~—~~
40 or outdoor area as a nonsmoking place.

41 ~~E.— Posting of signs and ashtray removal.~~

42 ~~1.~~ E. "No smoking" signs or the international "no smoking" symbol,
43 ~~(consisting of a pictorial representation of a burning cigarette enclosed in~~
44 ~~a red circle with a red bar across it,)~~ shall be clearly and conspicuously
45 posted by the owner, operator, manager,~~—~~ or other person in control of that

1 place identifying where smoking is prohibited by this section and where
2 complaints regarding violations may be registered.

3 ~~2-~~ F. Every public place and place of employment where smoking is
4 prohibited by this section shall have posted at every entrance a conspicuous
5 sign clearly stating that smoking is prohibited.

6 ~~3-~~ G. All ashtrays shall be removed from any area where smoking is
7 prohibited by this section by the owner, operator, manager, ~~or~~ or other person
8 having control of the area.

9 ~~F-~~ H. No employer may discharge or retaliate against an employee
10 because that employee exercises any rights afforded by this section or
11 reports or attempts to prosecute a violation of this section.

12 ~~G-~~ I. ~~The law~~ THIS SECTION shall be implemented and enforced by the
13 department of health services as follows:

14 1. The department shall design and implement a program, including the
15 establishment of an internet website, to educate the public regarding the
16 provisions of this ~~law~~ SECTION.

17 2. The department shall inform persons who own, manage, operate or
18 otherwise control a public place or place of employment of the requirements
19 of this ~~law~~ SECTION and how to comply with its provisions including making
20 information available and providing a toll-free telephone number and e-mail
21 address to be used exclusively for this purpose.

22 3. Any member of the public may report a violation of this ~~law~~ SECTION
23 to the department. The department shall accept oral and written reports of
24 violation and establish an e-mail ~~address(es)~~ ADDRESS OR ADDRESSES and A
25 toll-free telephone ~~number(s)~~ NUMBER OR NUMBERS to be used exclusively for
26 the purpose of reporting violations. A person ~~shall not be~~ IS NOT required
27 to disclose the person's identity when reporting a violation.

28 4. If the department has reason to believe a violation of this ~~law~~
29 SECTION exists, the department may enter ~~upon and into~~ any public place or
30 place of employment for purposes of determining compliance with this ~~law~~
31 SECTION. However, the department may inspect public places where food or
32 alcohol is served at any time to determine compliance with this ~~law~~ SECTION.

33 5. If the department determines that a violation of this ~~law~~ SECTION
34 exists at a public place or place of employment, the department shall issue a
35 notice of violation to the person who owns, manages, operates or otherwise
36 controls the public place or place of employment. The notice shall include
37 the nature of each violation, date and time each violation occurred, ~~and~~
38 department contact person.

39 6. The department shall impose a civil penalty on the person in an
40 amount of not less than ~~\$100~~ ONE HUNDRED DOLLARS, but not more than ~~\$500~~ FIVE
41 HUNDRED DOLLARS for each violation. In considering whether to impose a ~~fine~~
42 CIVIL PENALTY and the amount of the ~~fine~~ CIVIL PENALTY, the department may
43 consider whether the person has been cited previously and what efforts the
44 person has taken to prevent or cure the violation including reporting the
45 violation or taking action under subsection J OF THIS SECTION. Each day that

1 a violation occurs constitutes a separate violation. The director may issue
2 a notice that includes the proposed amount of the civil penalty assessment.
3 A person may appeal the assessment of a civil penalty by requesting a
4 hearing. If a person requests a hearing to appeal an assessment, the
5 director shall not take further action to enforce and collect the assessment
6 until the hearing process is complete. The director shall impose a civil
7 penalty only for those days on which the violation has been documented by the
8 department.

9 7. If a civil penalty imposed by this section is not paid, the
10 attorney general or a county attorney shall file an action to collect the
11 civil penalty in a justice court or the superior court in the county in which
12 the violation occurred.

13 8. The department may apply for injunctive relief to enforce ~~these~~
14 ~~provisions~~ THIS SECTION in the superior court in the county in which the
15 violation occurred. The court may impose appropriate injunctive relief and
16 impose a penalty of not less than ~~\$100~~ ONE HUNDRED DOLLARS but not more than
17 ~~\$500~~ FIVE HUNDRED DOLLARS for each violation. Each day that a violation
18 occurs constitutes a separate violation. If the superior court finds the
19 violations are willful or evidence a pattern of noncompliance, the court may
20 impose a ~~fine~~ CIVIL PENALTY OF up to ~~\$5000~~ FIVE THOUSAND DOLLARS per
21 violation.

22 9. The department may contract with a third party to determine
23 compliance with this ~~law~~ SECTION.

24 10. The department may delegate to a state agency or political
25 subdivision of this state any functions, powers or duties under this ~~law~~
26 SECTION.

27 11. The director of the department may ~~promulgate~~ ADOPT rules for the
28 implementation and enforcement of this ~~law~~ SECTION. The department is exempt
29 from the ~~rulemaking~~ RULE MAKING procedures PRESCRIBED in ~~A.R.S. §~~ title 41,
30 chapter 6, except the department shall publish draft rules and thereafter
31 take public input including hold at least two public hearings ~~prior to~~ BEFORE
32 implementing the rules. This exemption expires May 1, 2007.

33 ~~H.~~ J. Beginning on June 1, 2008 and every other June 1 thereafter, the
34 director of the Arizona department of health services shall issue a report
35 analyzing its activities to enforce this ~~law~~ SECTION, including the
36 activities of all of the state agencies or political subdivisions to whom the
37 department has delegated responsibility under this ~~law~~ SECTION.

38 ~~I.~~ K. An owner, manager, operator or employee of place regulated by
39 this ~~law~~ SECTION shall inform any person who is smoking in violation of this
40 ~~law~~ SECTION that smoking is illegal and request that the illegal smoking stop
41 immediately.

42 ~~J.~~ L. This ~~law~~ SECTION does not create any new private right of
43 action nor does it extinguish any existing common law causes of action.

1 ~~K.~~ M. A person who smokes where smoking is prohibited is guilty of a
2 petty offense with a fine of not less than fifty dollars and not more than
3 three hundred dollars.

4 ~~L. Smoke-free Arizona fund~~

5 ~~1.~~ N. The smoke-free Arizona fund is established consisting of all
6 revenues deposited in the fund pursuant to ~~§~~ SECTION 42-3251.02 and interest
7 earned on those monies. The ~~Arizona~~ department of health services shall
8 administer the fund. On notice from the department, the state treasurer
9 shall invest and divest monies in the fund as provided by ~~§~~ SECTION 35-313
10 and monies earned from investment shall be credited to the fund.

11 ~~2.~~ O. All ~~money~~ MONIES in the smoke-free Arizona fund shall be used
12 to enforce ~~the provisions of~~ this section provided however that if there is
13 money remaining after the department has met its enforcement obligations,
14 that remaining money shall be deposited in the tobacco products tax fund and
15 used for education programs to reduce and eliminate tobacco use and for no
16 other purpose.

17 ~~3.~~ P. Monies in this fund are continuously appropriated, are not
18 subject to further approval, do not revert to the STATE general fund and are
19 exempt from the provisions of ~~§36-190~~ SECTION 35-190 relating to the lapsing
20 of appropriations.

21 ~~M.~~ Q. This section does not prevent a political subdivision of ~~the~~
22 THIS state from adopting ordinances or regulations that are more restrictive
23 than this section nor does this section repeal any existing ordinance or
24 regulation that is more restrictive than this section.

25 ~~N. R. Tribal sovereignty~~— This section has no application on Indian
26 reservations as defined in ~~ARS 42-3301(2)~~ SECTION 42-3301.

27 Sec. 58. Section 36-2522, Arizona Revised Statutes, is amended to
28 read:

29 36-2522. Registration requirements

30 A. Every person who manufactures, distributes, dispenses, prescribes
31 or uses for scientific purposes any controlled substance within this state or
32 who proposes to engage in the manufacture, distribution, prescribing or
33 dispensing of or using for scientific purposes any controlled substance
34 within this state must first:

35 1. Obtain and possess a current license or permit as a medical
36 practitioner as defined in section 32-1901 or as a pharmacy, pharmacist,
37 manufacturer or wholesaler pursuant to title 32, chapter 18.

38 2. Be a registrant under the federal controlled substances act (P.L.
39 91-513; 84 Stat. 1242; 21 United States Code section 801 et seq.).

40 B. A person who is registered under this chapter to manufacture,
41 distribute, dispense, prescribe or use for scientific purposes controlled
42 substances may possess, manufacture, distribute, dispense, prescribe or use
43 for scientific purposes those substances to the extent authorized by that
44 person's license or permit in conformity with this chapter and title 32,
45 chapter 18.

1 C. The following persons need not register and may lawfully possess
2 controlled substances under this chapter:

3 1. An agent or employee of any registered manufacturer, distributor or
4 dispenser of any controlled substance if he is acting in the usual course of
5 his business or employment.

6 2. A common or contract carrier or warehouseman or that person's
7 employee whose possession of any controlled substance is in the usual course
8 of business or employment.

9 3. An ultimate user or a person in possession of any controlled
10 substance pursuant to a lawful order of a medical practitioner or in lawful
11 possession of a schedule V substance.

12 4. An officer or employee of the department of public safety, [THE](#)
13 [ANIMAL SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF AGRICULTURE SOLELY FOR](#)
14 [THE PURPOSES OF TITLE 3, CHAPTER 19](#), a professional regulatory board
15 established by title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, ~~21~~, 25 or 29
16 or the Arizona state board of pharmacy or a peace officer as defined in
17 section 1-215 in the lawful performance of that person's duties.

18 D. The board may waive by rule the requirement for registration of
19 certain manufacturers, distributors or dispensers if the board finds waiver
20 consistent with the public health and safety or the requirements of the
21 United States drug enforcement administration.

22 E. The board or its designee may inspect the establishment of a
23 registrant or applicant for registration in accordance with the board's
24 regulation if the board or its designee has information that the board or its
25 designee believes would require an on-site inspection.

26 Sec. 59. Section 36-2601, Arizona Revised Statutes, is amended to
27 read:

28 **36-2601. Definitions**

29 In this article, unless the context otherwise requires:

30 1. "Board" means the Arizona state board of pharmacy or its designee.

31 2. "Dispenser" means a medical practitioner or pharmacy that is
32 authorized to dispense controlled substances.

33 3. "Licensed health care provider" means a person who is licensed
34 pursuant to [TITLE 3, CHAPTER 19 OR](#) title 32, chapter 7, 11, 13, 14, 15, 16,
35 17, 18, 19.1, ~~21~~, 25, 29 or 33.

36 4. "Medical practitioner" has the same meaning prescribed in section
37 32-1901.

38 5. "Person" means an individual, partnership, corporation or
39 association and the person's duly authorized agents.

40 6. "Program" means the controlled substances prescription monitoring
41 program.

1 Sec. 60. Section 36-2604, Arizona Revised Statutes, is amended to
2 read:

3 36-2604. Use and release of confidential information

4 A. Except as otherwise provided in this section, prescription
5 information submitted to the board pursuant to this article is confidential
6 and is not subject to public inspection. The board shall establish
7 procedures to ensure the privacy and confidentiality of patients and that
8 patient information that is collected, recorded and transmitted pursuant to
9 this article is not disclosed except as prescribed in this section.

10 B. The board or its designee shall review the prescription information
11 collected pursuant to this article. If the board or its designee has reason
12 to believe an act of unprofessional or illegal conduct has occurred, the
13 board or its designee shall notify the appropriate professional licensing
14 board or law enforcement or criminal justice agency and provide the
15 prescription information required for an investigation.

16 C. The board may release data collected by the program to the
17 following:

18 1. A person who is authorized to prescribe or dispense a controlled
19 substance to assist that person to provide medical or pharmaceutical care to
20 a patient or to evaluate a patient.

21 2. An individual who requests the individual's own prescription
22 monitoring information pursuant to section 12-2293.

23 3. THE ANIMAL SERVICES DIVISION OF THE ARIZONA DEPARTMENT OF
24 AGRICULTURE FOR THE PURPOSES OF TITLE 3, CHAPTER 19 OR a professional
25 licensing board established pursuant to title 32, chapter 7, 11, 13, 14, 15,
26 16, 17, 18, ~~21~~, 25 or 29. Except as required pursuant to subsection B of
27 this section, the board shall provide this information only if the requesting
28 AGENCY OR board states in writing that the information is necessary for an
29 open investigation or complaint.

30 4. A local, state or federal law enforcement or criminal justice
31 agency. Except as required pursuant to subsection B of this section, the
32 board shall provide this information only if the requesting agency states in
33 writing that the information is necessary for an open investigation or
34 complaint.

35 5. The Arizona health care cost containment system administration
36 regarding persons who are receiving services pursuant to chapter 29 of this
37 title. Except as required pursuant to subsection B of this section, the
38 board shall provide this information only if the administration states in
39 writing that the information is necessary for an open investigation or
40 complaint.

41 6. A person serving a lawful order of a court of competent
42 jurisdiction.

43 D. The board may provide data to public or private entities for
44 statistical, research or educational purposes after removing information that

1 could be used to identify individual patients or persons who received
2 prescriptions from dispensers.

3 Sec. 61. Section 36-2606, Arizona Revised Statutes, is amended to
4 read:

5 36-2606. Registration; requirements

6 A. Beginning November 1, 2007 and pursuant to rules adopted by the
7 board, each medical practitioner who is issued a license pursuant to TITLE 3,
8 CHAPTER 19 OR title 32 and who possesses a registration under the federal
9 controlled substances act must have a current controlled substances
10 prescription monitoring program registration issued by the board. The
11 registration is:

12 1. Subject to biennial renewal as specified in this article.

13 2. Not transferable or assignable.

14 3. Valid only in conjunction with a valid license issued BY THE
15 ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3, CHAPTER 19 OR by a
16 professional licensing board established pursuant to title 32, chapter 7, 11,
17 13, 14, 15, 16, 17, ~~21~~, 25 or 29.

18 B. An applicant for registration pursuant to this section must submit
19 an application as prescribed by the board.

20 C. The board shall assign all persons registered under this article to
21 one of two registration renewal groups. The holder of a registration ending
22 in an even number must renew the registration biennially on or before May 1
23 of the next even-numbered year. The holder of a registration ending in an
24 odd number must renew the registration biennially on or before May 1 of the
25 next odd-numbered year. The board shall automatically suspend the
26 registration of any registrant who fails to renew the registration on or
27 before May 1 of the year in which the renewal is due. The board shall vacate
28 a suspension if the registrant submits a renewal application. A suspended
29 registrant is prohibited from accessing information in the prescription
30 monitoring program database tracking system.

31 D. A registrant shall not apply for registration renewal more than
32 sixty days before the expiration date of the registration.

33 E. An applicant for registration renewal pursuant to this section must
34 submit a renewal application prescribed by the board by rule.

35 F. Pursuant to a fee prescribed by the board by rule, the board may
36 issue a replacement registration to a registrant who requests a replacement
37 because the original was damaged or destroyed, because of a change of name or
38 for any other good cause as prescribed by the board.

39 Sec. 62. Section 41-1092, Arizona Revised Statutes, is amended to
40 read:

41 41-1092. Definitions

42 In this article, unless the context otherwise requires:

43 1. "Administrative law judge" means an individual or an agency head,
44 board or commission that sits as an administrative law judge, that conducts
45 administrative hearings in a contested case or an appealable agency action

1 and that makes decisions regarding the contested case or appealable agency
2 action.

3 2. "Administrative law judge decision" means the findings of fact,
4 conclusions of law and recommendations or decisions issued by an
5 administrative law judge.

6 3. "Appealable agency action" means an action that determines the
7 legal rights, duties or privileges of a party and that is not a contested
8 case. Appealable agency actions do not include interim orders by
9 self-supporting regulatory boards or rules, orders, standards or statements
10 of policy of general application issued by an administrative agency to
11 implement, interpret or make specific the legislation enforced or
12 administered by it, nor does it mean or include rules concerning the internal
13 management of the agency that do not affect private rights or interests. For
14 the purposes of this paragraph, administrative hearing does not include a
15 public hearing held for the purpose of receiving public comment on a proposed
16 agency action.

17 4. "Director" means the director of the office of administrative
18 hearings.

19 5. "Final administrative decision" means a decision by an agency that
20 is subject to judicial review pursuant to title 12, chapter 7, article 6.

21 6. "Office" means the office of administrative hearings.

22 7. "Self-supporting regulatory board" means any one of the following:

23 (a) The ARIZONA state board of accountancy.

24 (b) The state board of appraisal.

25 (c) The board of barbers.

26 (d) The board of behavioral health examiners.

27 (e) The Arizona state boxing commission.

28 (f) The state board of chiropractic examiners.

29 (g) The board of cosmetology.

30 (h) The state board of dental examiners.

31 (i) The state board of funeral directors and embalmers.

32 (j) The Arizona game and fish commission.

33 (k) The board of homeopathic medical examiners.

34 (l) The Arizona medical board.

35 (m) The naturopathic physicians board of medical examiners.

36 (n) The state board of nursing.

37 (o) The board of examiners of nursing care institution administrators
38 and adult care home managers.

39 (p) The board of occupational therapy examiners.

40 (q) The state board of dispensing opticians.

41 (r) The state board of optometry.

42 (s) The Arizona board of osteopathic examiners in medicine and
43 surgery.

44 (t) The Arizona peace officer standards and training board.

45 (u) The Arizona state board of pharmacy.

- 1 (v) The board of physical therapy examiners.
- 2 (w) The state board of podiatry examiners.
- 3 (x) The state board for private postsecondary education.
- 4 (y) The state board of psychologist examiners.
- 5 (z) The board of respiratory care examiners.
- 6 (aa) The structural pest control commission.
- 7 (bb) The state board of technical registration.
- 8 ~~(cc) The Arizona state veterinary medical examining board.~~
- 9 ~~(dd)~~ (cc) The acupuncture board of examiners.
- 10 ~~(ee)~~ (dd) The Arizona regulatory board of physician assistants.
- 11 ~~(ff)~~ (ee) The board of athletic training.
- 12 ~~(gg)~~ (ff) The board of massage therapy.

13 Sec. 63. Section 44-1799.01, Arizona Revised Statutes, is amended to
14 read:

15 44-1799.01. Initial veterinary examination

16 A. A veterinarian who is licensed pursuant to title ~~32, chapter 21 3,~~
17 **CHAPTER 19** shall examine all cats and dogs that are received by a pet dealer
18 before the cat or dog is placed for sale.

19 B. If the veterinarian determines that a cat or dog is afflicted with
20 a contagious disease, the cat or dog may be returned to the source or kept by
21 the pet dealer. If the pet dealer keeps the cat or dog, the pet dealer shall
22 cage the cat or dog separately from healthy animals and shall house and
23 handle the cat or dog in a manner that will minimize the likelihood of
24 contagion.

25 Sec. 64. Section 44-1799.02, Arizona Revised Statutes, is amended to
26 read:

27 44-1799.02. Information statement; purchaser rights; notice

28 A. At the time of sale, each pet dealer shall give the purchaser of a
29 cat or dog a written statement that contains the following information:

30 1. The date of the animal's birth, if known, the state in which the
31 animal was born, if known, and the date the pet dealer received the animal.

32 2. The immunizations and deworming treatments that have been
33 administered to the animal as of the time of sale, if known, including the
34 dates of administration and the type and brand of vaccine or deworming
35 treatment.

36 3. The breed, sex, color and other identifying marks apparent at the
37 time of sale. If the animal is from a source that is licensed by the United
38 States department of agriculture, the individual identifying tag, tattoo or
39 color number for the animal shall be included. If the breed is unknown or
40 mixed, this fact shall be stated.

41 4. Any veterinary treatment or medication that the animal received
42 while in the possession of the pet dealer and either of the following:

43 (a) A statement signed by the pet dealer and the purchaser at the time
44 of sale that contains all of the following:

1 (i) A statement that a veterinarian examined the animal and the animal
2 has no apparent disease or illness.

3 (ii) A statement that a veterinarian examined the animal and at the
4 time of the examination the animal had no apparent congenital or hereditary
5 condition that would adversely affect the health of the animal at the time of
6 sale or that is likely to adversely affect the health of the animal in the
7 future.

8 (b) A record of any known disease or illness or any hereditary or
9 congenital condition that adversely affects the health of the animal at the
10 time of sale or that is likely to adversely affect the health of the animal
11 in the future. The record shall include a statement that is signed by a
12 veterinarian who is licensed pursuant to title ~~32, chapter 21~~ 3, CHAPTER 19,
13 that recommends necessary treatment, if any, and that verifies that the
14 disease, illness or condition does not require hospitalization or nonelective
15 surgical procedures and is not likely to require hospitalization or
16 nonelective surgical procedures in the future. A veterinarian's statement is
17 not required for intestinal or external parasites. The pet dealer and the
18 purchaser shall sign the statement required by this subdivision.

19 B. The purchaser shall acknowledge in writing that the purchaser has
20 received the information required by subsection A.

21 C. In addition to information required to be given to a purchaser
22 pursuant to subsection A, at the time of sale and on request of the
23 purchaser, a pet dealer that sells a cat or dog shall provide the ~~prospective~~
24 purchaser with ~~written notice of the purchaser's rights. The notice shall be~~
25 a legible copy of this article.

26 D. A pet dealer shall post the following notice within close proximity
27 of the cages or enclosures in which cats or dogs are offered for sale:

28 Pursuant to title 44, chapter 11, article 17, Arizona
29 Revised Statutes, information on the source of the cat or dog
30 and any veterinary treatment received by the cat or dog is
31 available for review. You are entitled to a copy of the law
32 describing your rights as a ~~consumer~~ PURCHASER.

33 Sec. 65. Section 44-1799.05, Arizona Revised Statutes, is amended to
34 read:

35 44-1799.05. Purchaser remedies for sale of unfit cats or dogs;
36 requirements; exceptions

37 A. A cat or dog that is purchased from a pet dealer is considered to
38 be unfit for sale if either of the following applies:

39 1. Within fifteen days after the purchaser takes possession of the
40 animal, a veterinarian who is licensed pursuant to title ~~32, chapter 21,~~ 3,
41 CHAPTER 19 states in writing that in the veterinarian's opinion the cat or
42 dog has become ill or otherwise symptomatic due to any illness, injury or
43 other defect that existed in the animal before the purchaser took possession
44 of the animal.

- 1 2. Within sixty days after the purchaser takes possession of the
2 animal, a veterinarian who is licensed pursuant to title ~~32, chapter 21~~ 3,
3 CHAPTER 19 states in writing that the animal has a congenital or hereditary
4 condition that adversely affects the health of the animal or that requires or
5 is likely to require hospitalization or nonelective surgical procedures.
- 6 B. The veterinary statement that is required pursuant to subsection A
7 shall contain the following information:
- 8 1. The purchaser's name and address.
9 2. The date or dates on which the cat or dog was examined.
10 3. The type, breed and age of the cat or dog, if known.
11 4. A verification that the veterinarian examined the cat or dog.
12 5. A statement that the cat or dog had an illness or congenital or
13 hereditary problem that rendered the cat or dog unfit for sale or that
14 resulted in the cat's or dog's death.
- 15 6. The findings of the examination or necropsy, including laboratory
16 results or copies of laboratory reports.
- 17 C. If a cat or dog is unfit for sale pursuant to subsection A, the
18 purchaser may elect one of the following remedies:
- 19 1. Return the animal to the pet dealer for a refund of the purchase
20 price, including transaction privilege, sales or similar excise tax.
21 2. If a replacement animal is available, exchange the animal for an
22 animal of the same species and of equivalent value and receive reimbursement
23 for reasonable veterinary fees for diagnosis and treatment in an amount of
24 not more than the original purchase price of the animal, including
25 transaction privilege, sales or similar excise tax.
- 26 3. Retain the animal and receive reimbursement from the pet dealer for
27 reasonable veterinary fees for diagnosis and treatment in an amount of not
28 more than the original purchase price of the animal, including transaction
29 privilege, sales or similar excise tax.
- 30 D. The purchaser shall comply with all of the following requirements
31 to obtain the remedies available under this section:
- 32 1. Notify the pet dealer in writing that the cat or dog has a medical
33 or health problem, including a congenital or hereditary condition, within
34 five days after a veterinarian who is licensed pursuant to title ~~32, chapter~~
35 ~~21~~ 3, CHAPTER 19 diagnoses the problem. The purchaser shall provide the pet
36 dealer with the veterinarian's name and telephone number.
- 37 2. If the cat or dog is ill or injured or has a congenital or
38 hereditary condition, offer to present the cat or dog to the pet dealer,
39 together with copies of all records that are available to the purchaser
40 regarding the cat's or dog's diagnosis and condition.
- 41 3. If the cat or dog dies within fifteen days ~~of~~ AFTER the DATE OF
42 purchase, give the pet dealer the veterinarian's written statement that the
43 cat or dog died from an illness that existed on or before the purchaser took
44 possession of the cat or dog. The presentation of the written statement is
45 sufficient proof to claim reimbursement or replacement pursuant to this

1 section. The purchaser is not required to return the dead cat or dog to the
2 pet dealer.

3 E. If a cat or dog was unfit for sale and has died or was euthanized
4 by a veterinarian who is licensed pursuant to title ~~32, chapter 21~~ 3, CHAPTER
5 19, the pet dealer shall refund to the purchaser the purchase price,
6 including transaction privilege, sales or similar excise tax.

7 F. If the purchaser is requesting a refund for reasonable veterinary
8 expenses, an itemized bill of fees shall accompany the veterinarian statement
9 required pursuant to subsection A. The itemized bill shall include fees for
10 examination, diagnosis and treatment.

11 G. Unless the pet dealer contests the demand for remedies, the pet
12 dealer shall pay refunds and shall reimburse veterinary expenses within
13 thirty days after receiving the veterinarian's statement or, if applicable,
14 within thirty days after the date on which the cat or dog is returned to the
15 pet dealer.

16 H. The purchaser shall not be reimbursed for the purchase price or
17 veterinary fees if any of the following applies:

18 1. The cat's or dog's illness or death resulted from maltreatment or
19 neglect or from an injury that the cat or dog sustained after the purchaser
20 took possession of the cat or dog.

21 2. The purchaser failed to carry out the recommended treatment
22 prescribed by the veterinarian who made the initial diagnosis. This
23 paragraph does not apply if the cost of the treatment together with the
24 veterinarian's fees would exceed the purchase price of the cat or dog,
25 including transaction privilege, sales or similar excise tax.

26 3. At the time of sale, the purchaser received the veterinary
27 statement pursuant to ~~subsection A~~ SECTION 44-1799.02 and the statement
28 disclosed the disease, illness or condition for which the purchaser seeks to
29 return the cat or dog.

30 4. The purchaser refuses to return to the pet dealer all of the
31 documents that were provided to the purchaser for the purpose of registering
32 the cat or dog.

33 I. The value of veterinary medical services is deemed to be reasonable
34 if the services rendered are appropriate for the diagnosis and treatment of
35 an illness or congenital or hereditary condition and are comparable to the
36 value of similar services rendered by other licensed veterinarians.

37 Sec. 66. Section 44-1799.06, Arizona Revised Statutes, is amended to
38 read:

39 44-1799.06. Contested actions; procedures

40 A. If a pet dealer contests a demand for remedies, the pet dealer may
41 require the purchaser to produce the cat or dog for examination by a
42 veterinarian who is licensed pursuant to title ~~32, chapter 21~~ 3, CHAPTER 19
43 unless the cat or dog has died. The pet dealer shall pay the costs of
44 examination.

1 B. If the purchaser and the pet dealer are unable to reach an
2 agreement within thirty days after the pet dealer receives the veterinarian
3 statement or the veterinarian receives the cat or dog for examination,
4 whichever is later, the purchaser may file an action in a court of competent
5 jurisdiction or the parties may agree in writing to submit to binding
6 arbitration.

7 C. The prevailing party in the action shall be awarded reasonable
8 attorney fees if the other party acted in bad faith in seeking or denying the
9 requested remedy.

10 Sec. 67. Section 44-1799.07, Arizona Revised Statutes, is amended to
11 read:

12 44-1799.07. Presumption of illness

13 A. It is a rebuttable presumption that an illness or a congenital or
14 hereditary defect existed at the time of sale if the cat or dog dies within
15 fifteen days after the purchaser takes possession of the cat or dog.

16 B. A finding by a veterinarian who is licensed pursuant to title ~~32,~~
17 ~~chapter 21~~ 3, CHAPTER 19 that the cat or dog had intestinal or external
18 parasites is not grounds for declaring a cat or dog unfit for sale.

19 Sec. 68. Succession

20 A. As provided by this act, the Arizona department of agriculture
21 succeeds to the authority, powers, duties and responsibilities of the Arizona
22 state veterinary medical examining board.

23 B. This act does not alter the effect of any action or impair the
24 valid obligations of the Arizona state veterinary medical examining board
25 taken before the effective date of this act.

26 C. Administrative rules and orders adopted by the Arizona state
27 veterinary medical examining board continue in effect until superseded by
28 administrative action by the Arizona department of agriculture.

29 D. All administrative matters, contracts and judicial and
30 quasi-judicial actions, whether completed, pending or in process, of the
31 Arizona state veterinary medical examining board on the effective date of the
32 act are transferred to and retain the same status with the Arizona department
33 of agriculture.

34 E. All certificates, licenses, registrations, permits and other
35 indicia of qualification and authority that were issued by the Arizona state
36 veterinary medical examining board retain their validity for the duration of
37 their terms of validity as provided by law.

38 F. All equipment, records, furnishings and other property, all data
39 and investigative findings and all appropriated monies that remain unexpended
40 and unencumbered on the effective date of this act of the Arizona state
41 veterinary medical examining board are transferred to the Arizona department
42 of agriculture.

43 G. All personnel who are under the state personnel system and employed
44 by the Arizona state veterinary medical examining board are transferred to

1 comparable positions and pay classification in the Arizona department of
2 agriculture on the effective date of this act.

3 Sec. 69. Requirements for enactment; three-fourths vote

4 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
5 section 36-601.01, Arizona Revised Statutes, as amended by this act, is
6 effective only on the affirmative vote of at least three-fourths of the
7 members of each house of the legislature.

8 Sec. 70. Emergency

9 This act is an emergency measure that is necessary to preserve the
10 public peace, health or safety and is operative immediately as provided by
11 law.